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Select committees : an examination of factors determining their influence on the policy process.

SELECT COMMITTEES:

An examination of factors determining their influence on the policy process.

VOLUME TWO: & APPENDICES

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PART FOUR

Testing the theoretical basis for measuring committee achievement.

CHAPTER TWENTY

ANALYSIS OF CASE STUDIES

*

Introduction

Having examined select committee activity in the Parliament of 1983/7 in the field of environmental concerns, we need to assess the influence which committee reports and investigations have had on the government, on policy and on the wider policy community.

In the next part of this thesis an attempt is made to bring together a quantification of 'in-puts' to the ten reports analysed in chapters 10 to 19 and to test whether, either the sources of evidence or any of the three factors identified in chapter 7 show markedly varied results, one from another, or in combination.

Table 12 shows, taking all the reports, that of the 248 separate recommendations set out in Appendix One, 145.5 were accepted in some degree. This represents 58.5% of the total. Whilst only 36 (14.5%) were taken up for immediate and positive action, the impact of the others in the longer term, or in influencing approaches or attitudes of administrators or the wider policy community is of some significance and is discussed below in the context of evidence supplied by specialist advisers and other key actors.

Those recommendations accepted for consideration or as the subject of further research have contributed to the 'delayed drop' effect, also discussed below. The outright rejection of committee proposals in Government replies, amounts to 67 (27%) of the total.

Table 12

Government responses to Select Committee Reports: Environmental Issues 1983/7 By Type of Response:

	Positive Acceptance & Action	General Agreement	Acceptance for Consideration	Neutral Comment	Rejection	Total
Number:	36	71	38.5	35.5	67	248
% of total	14.5	29	15.5	14.0	27	100

In numerical terms this is a markedly better result than that by committees in the Parliament of 1979/83 as assessed by Drewry et. al. in their first study of the new select committee system, although somewhat different methods and definitions were used, and the committee system was not introduced until six months after Parliament began sitting. Drewry and his team admit that they made no serious attempt to evaluate the outcome of recommendations in this way. (Drewry 1985 p 344) Within the totals in table 12 there are some wide variations. Table 13 provides the breakdown of

Table 13 Table of Responses to Recommendations

Report	Positive Acceptance & Action	General Agreement	Acceptance for Consideration	Neutral Comment	Rejectic
Green Belt/Land for Housing HC 275 83/4	7	7½	4½	2	5
Acid Rain HC 446 83/4	4	8	3	2	5
Acid Rain (follow-up) HC51 85/6	-	-	-	-	-
The Wealth of Waste HC 640 83/4	0	2	2	1	5
Wildlife and Countryside Act Pt. 2 HC6 84/5	2	3	6	4	3
Coastal Pollution in Wales HC 101 85/6	3	10	1	2	0
Radioactive Waste HC 191 HC 211 85/6	8½	9½	3½	6½	13
Planning Appeals & Public Enquiries "Call-ins" HC 181 85/6	2	14½	2½	5	12
Pollution of Rivers and Estuaries HC 183 86/87	5½	11	9	4	6½
Historic Buildings & Ancient Monuments HC146 86/7	3	5½	7	9	17½
Caravan Sites Act 1968 HC 414 84/5	1	0	0	0	0

acceptance and rejection of each report and it will be seen that acceptances vary between 87.5% in the case of Welsh coastal pollution to 37% of the committee recommendations in the Historic Buildings and Ancient Monuments investigation. However, apart from the Trade and Industry Committee report on waste re-cycling (HC 640 1983/4) which had exposed some serious inter-departmental confusions, and half of whose proposals were rejected, all were able to achieve a favourable ratio between acceptance and rejection. In the special circumstances of the Gypsy Sites review, the 100% acceptance of the committee demand for a review of policy is superficially an important total, but emphasises that willingness to 'review' policy does not always imply changing it.

It is in addressing these variations that we need to explore what factors obtained in each enquiry which might have affected the outcome.

The 'Mode' of Investigations

Utilizing the matrix factors it is evident, for example, that when the committee adopts a 'challenging' mode, as in the enquiry on Waste Re-cycling (HC 640 1983/4) and Radioactive Waste (HC 191 1985/6) the number of recommendations accepted immediately is lowest. In the case of the Acid Rain report (HC 446 1983/4) which also adopted at some points, a challenging mode, the total number of acceptances appear high,

but the most important policy recommendations were rejected. (See chapter 11) As we shall see later, this is not the whole story and the longer-term outcome is less dismissive.

This however suggests that the latent hostility or fear of select committee investigation, among ministers and their advisers, referred to by Wass (op.cit) is likely to lead to political rejection of outrightly critical and challenging reports, but that if they are backed up with well-documented, reputable evidence, especially in the scientific field, the validity of the recommendations may lead to eventual policy change.

When the committee adopts the roles of Analyser/Monitor/ Mediator the scores for accepted recommendations rise substantially. The Green Belt enquiry (HC 275 1983/4), the Wildlife and Countryside Act (HC 6 1983/4) and the investigation into Pollution of Rivers and Estuaries (HC 183 1985/6) were all investigations by the Environment Committee in these modes. The members were concerned, in the range of witnesses they called and the framing of their reports, to analyse current policy performance and monitor the effectiveness of its application.

In the case of the Green Belt enquiry there was a role for the committee to mediate between the minister, (seeking to re-state the balance between green belt protection and the needs of the building industry in a period of growth), and the

interests of both environmentalist and developer. The genuine bewilderment within the policy community which emerged in the debate sparked off by the issue of new draft Circulars was the main cause of the Environment Committee intervention.

The unspoken welcome by Ministers of the Committee's mediation, hinted at by Rossi is perhaps reflected in the high level of accepted recommendations. (Rossi 1987)

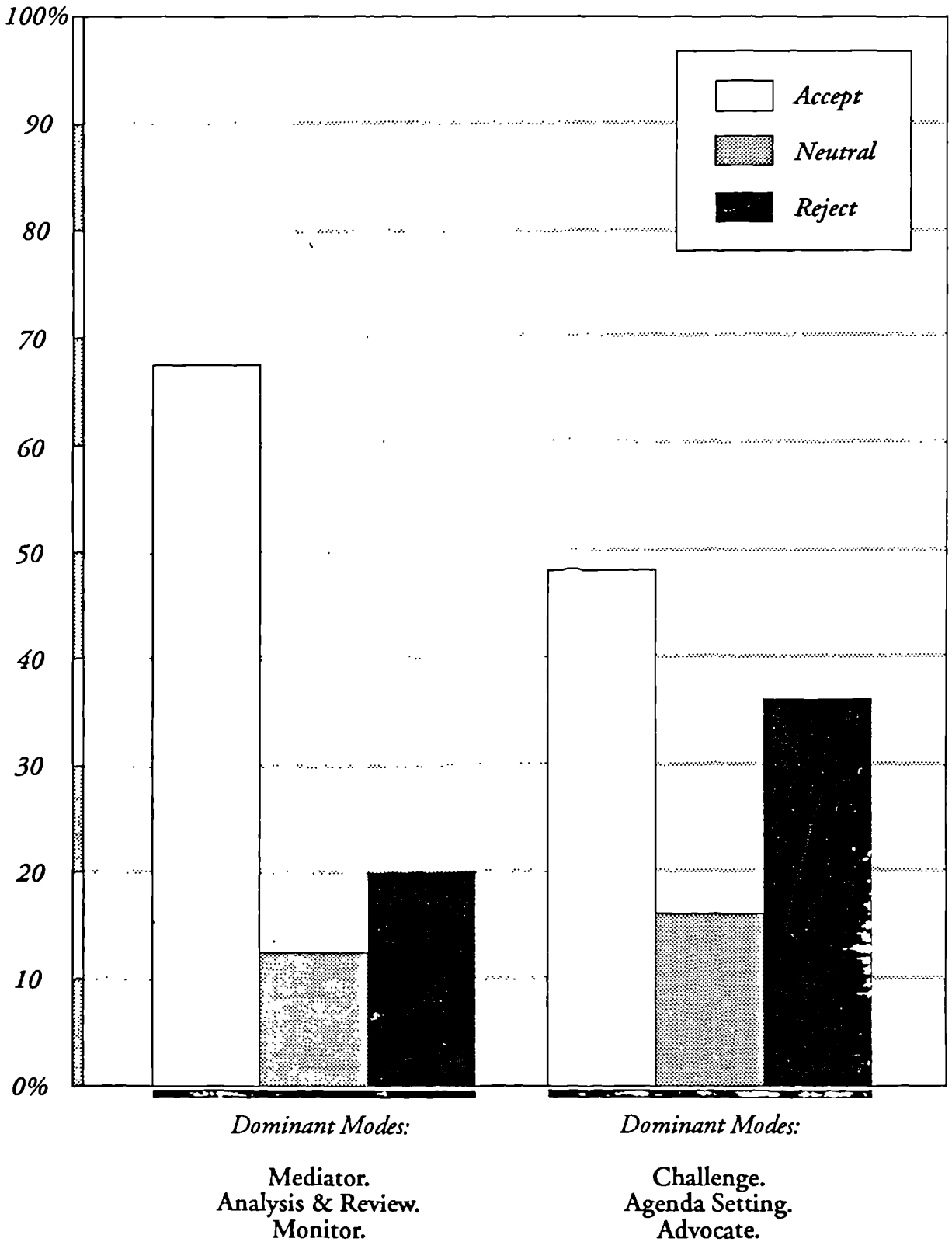
Part II of the Wildlife and Countryside Act was a recent piece of legislation which rapidly exhibited a 'loophole' in its provisions for protecting sites of special scientific interest and there was a high level of unanimity among witnesses from all the interests involved, that it needed to be closed. The account of the investigation (see Chapter 13) suggests that the weakness was recognised by the Department and that following the Committee report, parliamentary time was readily facilitated for amending legislation in the form of a Private Members' Bill. The monitoring mode, in which policy is reviewed and short-comings analysed, produces a high level of acceptance in this instance.

Whilst the concept of 'mode' postulated in this hypothesis does not emerge with absolute clarity as a factor, of itself, and in isolation, affecting responses to committee reports, it does appear, as illustrated in fig 17 that when committees adopt some modes, they achieve better results than in others. Those modes which speak of confrontation, or of attempting to

PERCENTAGE OF RECOMMENDATIONS

FIGURE No.17

ACCEPTED OR REJECTED - *BY MODE OF INQUIRY*



establish new agenda or advocacy of a particular cause find less acceptance generally, as well as a higher rate of outright rejection.

The issue-type and mode of committees

It is now necessary to consider whether the mode of a select committee enquiry, combined with the type of issue under investigation, together achieve more positive responses in some combinations than in others.

It will be recalled that in Chapter 7, three 'issue-types' were identified among the ten reports considered. They were typified as:

Administrative
Technical/Scientific
Economic

These issue-types are defined in detail on pages 141/2 above. Table 14. sets out in tabular form the mode and type of issue and the point of intervention in the policy life-cycle of each of the Enquiries being considered, juxtaposed with the percentage of recommendations accepted and rejected in Government responses. For this exercise, the proposals given a 'neutral' response are left out of the calculation.

It is evident at once that the administrative topics achieve mixed scores; high, especially when associated with a style of enquiry which is concerned with analysis of problems and review of performance, or monitoring of effectiveness, less well in others.

Table 14 Analysis of Recommendations accepted, by mode, issue type and intervention.

Committee Report	Dominant Mode/s	Issue Type	Point of Intervention	% Recommendations Accept	Reject
Green Belt & Housing	Mediator/Analyser	Administrative	Implementation Monitor & Control	73.0	19.5
Acid Rain	Challenge/Monitor	Technical/Scientific	Evaluation and Review	68.0	22.5
Wealth of Waste	Agenda Setting Advocate & Challenge	Economic	Issue Definition	40.0	50.0
Wildlife & Countryside Act	Analysis & Review Monitor	Administrative	Implementation & Control	61.0	16.5
Coastal Pollution in Wales	Analysis Monitor	Technical/Scientific	Evaluation & Review	87.5	0
Radioactive Waste	Challenge Monitor	Technical/Scientific	Option Analysis	45.0	31.5
Planning: Appeals Call-ins etc.	Analysis Monitor	Administrative	Evaluation & Review	52.5	33.5
Pollution of Rivers & Estuaries	Analysis & Review	Technical/Scientific	Setting Objectives/ Priorities	71.0	18.0
Historic Buildings	Mediator/Prioritiser	Administrative	Implementation & Control	37.0	41.5
Gypsy Sites	Analysis & Review Monitor	Administrative	Evaluation & Review	100.0	0

* recommendations receiving a 'neutral' response have been omitted from this calculation.

The Administrative issues are those in which bureaucratic processes or regulatory rules are under consideration, or, it is argued, where the policy has passed the stage of political analysis and debate in the policy life-cycle and are by their nature, mainly in the realms of administrative implementation. Departmental officials rather than Ministers were expected to answer for the efficiency and effectiveness of the policy delivery or practice; or, in the case of the Green Belt enquiry and the Planning enquiry, the implementation by local authorities and other official agencies were in question.

The Green Belt investigation dwelt principally on the efficiency of the processes of defining and protecting green belt boundaries and the local authority procedures for dealing with planning applications for development. The 73% of recommendations accepted were largely concerned with modifying these procedures. Similarly, the report on Part II of the Wildlife and Countryside Act, 61% of whose recommendations were accepted, was concerned to evaluate and improve the procedures for authorities and agencies such as the Nature Conservancy in administering the Act. The same context obtains in the report on Planning: Appeals, Call-ins and Major Public Enquiries. (HC 181 1985/6)

The Environment Committee's comment on the slow progress in implementing the 1968 Caravan Sites Act (HC 414 1984/5) and their demand for a review of performance of the mandatory

duties placed upon local authorities to create gypsy sites, produced a quick, favourable response from the Department of Environment which commissioned an independent review.

However, the remaining Enquiry of an administrative topic, that into the management of historic buildings and ancient monuments, was less acceptable to the Department; only 37% of its recommendations were adopted. It is perhaps the case that the complex relationships between the Department, English Heritage, and a range of other official, voluntary and private bodies make immediate response less simple, but it is not without significance that the Minister, in response to the Committee, commented:

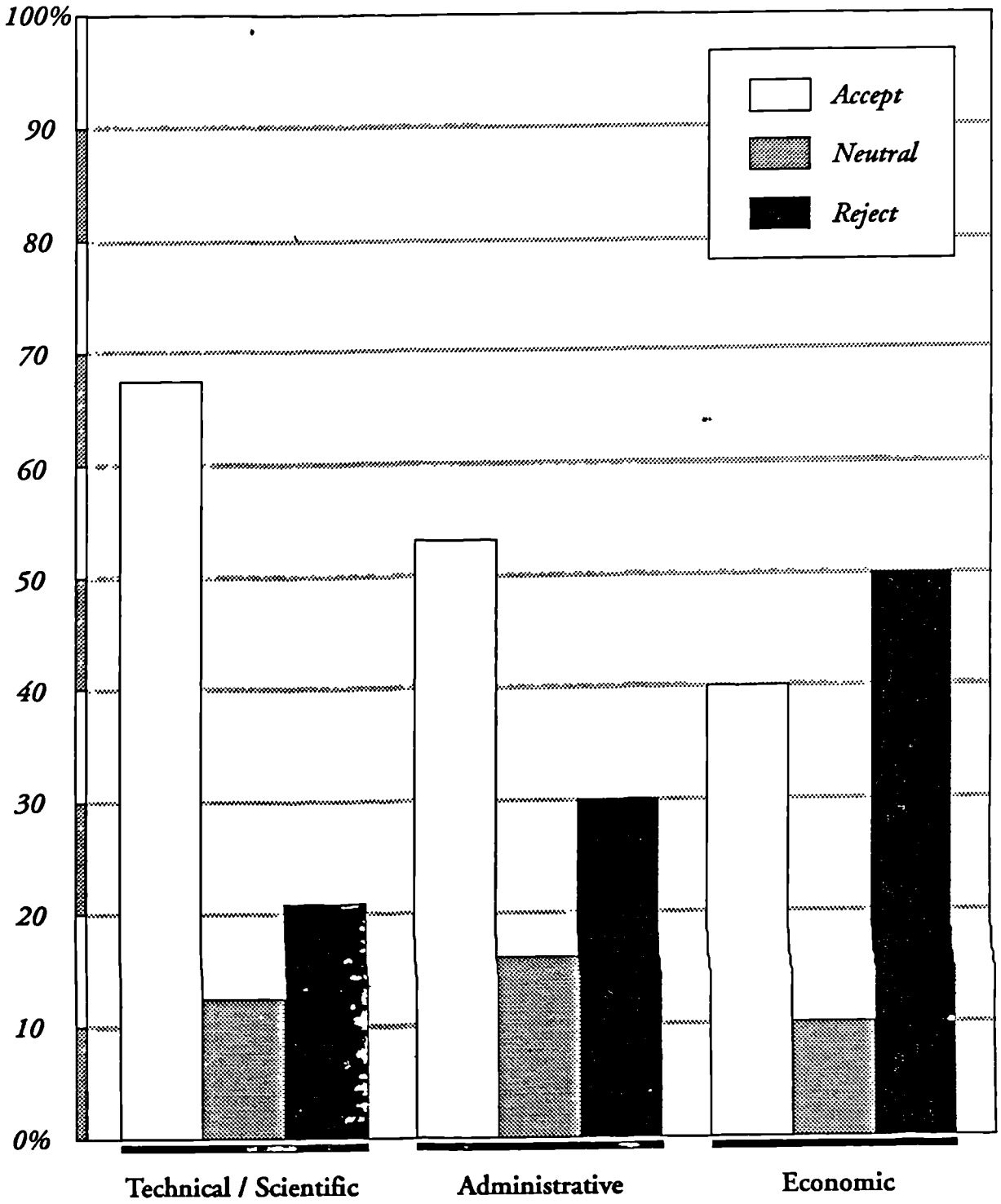
> '(The Report) is a valuable starting point and a rich quarry of ideas and data for the refinement and the development of policy towards the heritage ... and is likely to remain valid for this purpose for a considerable time to come'.

In all, the total number of recommendations in enquiries related to administrative issue-types was 123 of which 53.5% were accepted, whilst 30% were rejected. (See fig 18)

The one investigation in which the issues were predominantly economic was that relating to waste recycling. (The Wealth of Waste; HC 640 1983/4) Uniquely, of the reports under review, it was undertaken by the Trade and Industry select committee and was demonstrably in a mode of attempting to 'set

FIGURE No.18

PERCENTAGE OF RECOMMENDATIONS ACCEPTED OR REJECTED - *BY ISSUE TYPE*



the agenda' or to bring new policy into the Government's programme. The argument, both of the committee and many of its witnesses was conducted in terms of the economic advantages to be gained from a policy of encouraging more recycling of industrial waste. (See Chapter 12). The environmental arguments were understated, and the departmental view that recycling was essentially a matter for commercial judgement, was challenged by the report. The combination of a challenging or agenda-setting mode and 'economic' issue-type appears to get the largest percentage of active rejection of its recommendations. (fig 18) However, on the basis of one example, the assessment must be tentative.

The four major enquiries which were of a Technical/Scientific issue-type were perhaps also issues with the highest political profile, touching upon environmental concerns rapidly emerging in the public consciousness as important elements in the 'green' agenda, not only in the UK, but in the international debate about ecological conservation.

The production of acid rain from fossil fuel power stations and its effect upon forests and lakes; the pollution of beaches and of waterways from illegal dumping at sea, uncontrolled or badly maintained sewage plant and agricultural pesticides - and the apparently insoluable problems of how, safely, to store radio-active wastes, have become topics at the very top of the international political agenda, since

these reports were published.

In the parliament of 1983/7 they were not, perhaps, quite so sensitive or immediate. Nevertheless the policy community within which much of the select committee debate took place, was alive to the scale of the problems. The larger agencies such as the CEGB and NIREX and the self-interest groups such as the National Farmers Union and the Water Authorities were meticulous and thorough in the scientific quality of their evidence. (See Chapters 11: 14: 15 & 17) Similarly, the range of pressure groups and independent experts who presented papers from eminent scientists or academic sources is impressive.

Key actors in the process stress that whatever else was achieved, the reports of the enquiries such as that into Radioactive Waste and Acid Rain form a comprehensive 'state-of-the-art' compendium of current scientific knowledge. (Patterson 1988) (Porritt 1988)

The special adviser appointed by the Environment Committee for the Radioactive Waste investigation is explicit:

> 'Reports of this kind are part of an educational process for departmental civil servants. They expose inconsistencies and comprise a basic textbook of technical information, bringing together in a concise way, the stated position of all the participants; an invaluable

compendium of the present state of knowledge. The Rad-waste report is in fact a position statement in a fast developing technology'. (Patterson. Ibid).

Fig. 18 illustrates that when Technical/Scientific topics formed the content of an investigation, the level of accepted recommendations is higher than when administrative or economic issue-types are chosen. This view is borne out by the fact that out of a total of 115 recommendations in all, on Technical/Scientific issues, 66% were accepted to some degree, whilst 21% were rejected. They are highest when associated with a mode of analysis and review or monitoring performance, as in the Coastal Pollution enquiry, with 87.5% and the Pollution of Rivers and Estuaries report, with 71% (See table 14).

When the committee is in challenging mode the level of acceptance drops to 68% and 45%, lending support to the view that mode and issue-type have a bearing together, on the outcome.

Intervention in the Policy life-cycle

The third factor, in terms of the hypothesis expounded here, which may have a bearing on select committee influence on government policies, is that of the point of intervention in the life-cycle of policy. In Chapter 6 a model of the policy process derived from Hogwood and Gunn, was constructed, as

illustrated in fig 4. on page 88 and in each of the committee reports examined it was established at which point in the policy life-cycle that particular subject was located. In other words, the question to be asked was: Where in the life of this topic or policy is the committee seeking to intervene?

FIGURE No.19

PERCENTAGE OF RECOMMENDATIONS APPROVED

ILLUSTRATED AT POINT OF INTERVENTION IN POLICY LIFE-CYCLE

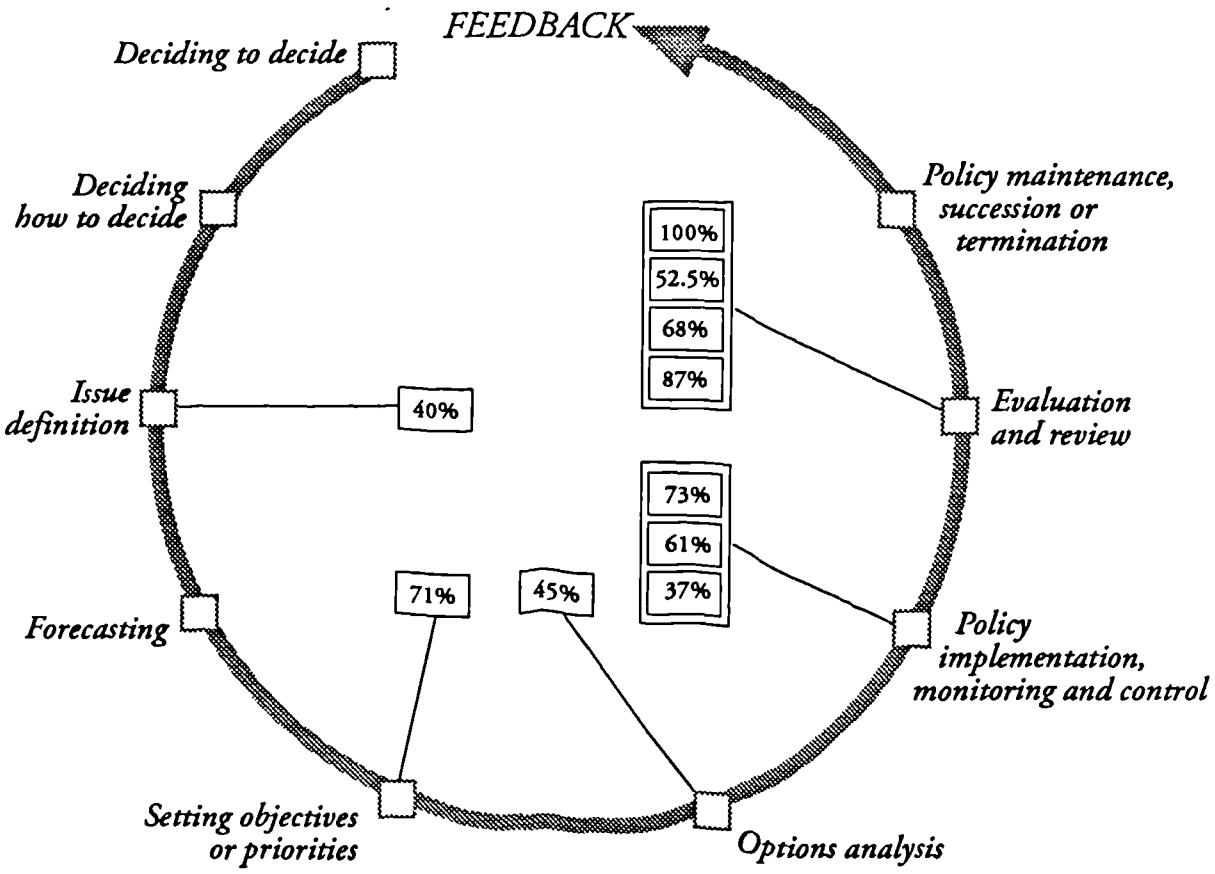


Table 14 sets out in tabular form for each of the reports reviewed, not only the mode and issue-type, but also the policy cycle intervention point, and this allows us to consider whether, in addition to measuring the fate of committee recommendations by mode and type, the stage in the policy life-cycle at the time of the investigation was significant, or produces any pattern which can be described.

It would appear that, in the reports examined here, there is a higher percentage of committee recommendations accepted in those instances where policy is in the implementation phase, or is being monitored, or is at the stage of evaluation or review of effectiveness. In the earlier phases of the cyclical journey, intervention appears less successful. Fig 19 plots this finding.

However, since none of the reports reviewed dealt with policies which were at the very early stages of formation or were at the end of their life-cycle, it is not possible from the research undertaken here to say whether they would have been more or less successful.

Indeed, it could be argued that if committees examined policy options in the formative stages of the process, perhaps by deciding to examine all Green Paper proposals and commenting on all White Paper proposals, they might be more effective in influencing Ministers and their advisers. It is evident from the committee activities under review that Members have tended

to be reactive and to take up issues in the wake of public or other criticism of the effect of policy or to failure of policy measures, rather than to take the initiative at the point when policy options are being discussed or issues being defined.

This point is underlined by the one report which dealt with policies at the point of setting objectives and priorities, when 71% of the recommendations were approved. (See Fig 19)

On the economic topic of waste recycling, in which the Trade and Industry Committee took a challenging mode, (see Chapter 12), and when the Government was itself in the process of defining its policy stance, the outcome in terms of acceptances and rejections of committee recommendations is least favourable to the select committee.

Inputs of Evidence

In concluding this part of the analysis we should turn now to the final element in the 'matrix' approach and consider, in the terms of the 'black box' model on which this thesis is based, whether the 'in-puts' from various sources have any bearing upon the outcomes, in terms of the acceptance of reports and recommendations.

For this enumeration, all the inputs to each of the select committee reports under review were totalled, including the number of memoranda, technical appendices, unpublished

documents and the witnesses who appeared; to these figures were added the number of occasions in each report when particular witnesses or documents were cited in the formulation of recommendations. Thus a total number of inputs to each enquiry is arrived at, and is then categorised into one of six groups of sources as follows:

Ministers and Departments
Quangos and official agencies
Local Authorities
Self-interest groups
Pressure groups
Independent experts

Table 15 provides a breakdown of inputs from these six sources for each of the ten reports considered and allows some examination to be undertaken as to whether the volume and source of inputs relates in any way to outcomes; whether there are patterns to be found in relation to the rate of acceptance or rejection of committee recommendations.

Firstly, the breakdown of the total contributions to all ten reports, (Table 16) demonstrates a pattern of activity which may give some clues as to the way in which select committee investigations are seen by the world external to parliament, and the value members and committee officials place upon the wider world of policy interest. Whilst ministers and their advisers are still numerically the greatest source of input, they are not so dominant as in other earlier studies (see Hill 1984 p.200).

Table 15: Sources of inputs to select committee enquiries

Source	Minister & Depts.	Quango & Official Orgs.	Local Authority	Self Interest Groups	Pressure Groups	Indep. Experts	Total
Number	737	687	458	646	532	605	3665
% of total	20.2	18.7	12.5	17.6	14.5	16.5	100

It is, as we saw earlier, essentially the Chairman and Clerk who are the 'gatekeepers' in the flow of evidence and submissions to the investigative process. (Gren op.cit. and

Rossi 1987 op.cit.) It is they who invite contributions from the policy community and subsequently draw on those contributions in writing their reports and recommendations. In this sense the inputs are a factor of the investigation process itself. Viewed in this way certain trends emerge which are discussed below. It is also evident from a study of the evidence volumes of the reports discussed in chapters 10 to 19 that Ministers and Departmental officials in the main confined their contributions to giving facts and answering questions as did the official agencies. It was left to the pressure groups and those with a commercial or economic self-interest to make recommendations or press a case for change. Local government too, in the cases in which they were key actors or implementers, were frequently making a collective case or positive recommendations. Most often, the independent expert witnesses were asked to comment or advise, although in some instances they too came forward with positive recommendations.

The local authority role

In terms of the content of the ten reports used as case studies it is notable that the local authority input is comparatively low. (See tables 15 & 16). Given the role which they have in the operation and regulation of much of the legislation on environmental topics, and the fact that they are traditionally the forum for expressing public opinion

in local affairs, not least in the defence of local amenity, it is remarkable that their collective input is least.

This relative paucity of local government contribution suggests a degree of marginalisation; another example of the diminution of local authority role and responsibilities reflected across a wide range of policy in the 1980s. Alternatively, local authorities collectively have not perceived that the work of select committees may be an important plank in the central/local policy interchange. The same point is noted by a special adviser to the Environment Committee but is accounted for by what he suggests is the poor quality of evidence and witnesses produced by authorities in many cases: 'they tended to waffle...' (Grant 1988)

There is explicit exemplification of this in a later investigation by the Environment Committee into toxic waste disposal (HC 22 session 1988/9), in which the role of Councils as waste disposal authorities is excoriated in terms rarely seen in select committee reports; epithets ranging from 'scandalous' and 'inadequate' to 'utter nonsense' being used to describe Councils performance.

The one example in which the local government inputs are substantially the greatest is in the Green Belt/Land for Housing investigation (HC 275 1983/4); in that case, a number of well-researched papers were submitted by County Councils, metropolitan and borough authorities and the GLC. Four

Table 16 Table of Inputs of Evidence

Report	Ministers & Government Departments	Quangos & Official Agencies	Local Authorities	Self-Interest Group	Pressure Groups	Independent Experts
Green Belt/Land for Housing HC 275 83/4	50	-	134	43	30	28
Acid Rain HC 446 83/4	56	110	2	85	26	90
Acid Rain (follow-up) HC51 85/6	-	-	-	-	-	-
The Wealth of Waste HC 640 83/4	47	5	26	75	12	5
Wildlife and Countryside Act Pt. 2 HC6 84/5	14	85	37	58	149	21
Coastal Pollution in Wales HC 101 85/6	18	49	21	2	13	90
Radioactive Waste HC 191 HC 211 85/6	165	183	123	133	48	140
Planning Appeals & Public Enquiries "Call-ins" HC 181 85/6	167	19	40	123	77	115
Pollution of Rivers and Estuaries HC 183 85/86	128	145	7	49	37	67
Historic Buildings & Ancient Monuments HC146 86/7	88	91	41	76	113	44
Caravan Sites Act 1968 HC 414 84/5	4	-	27	2	27	5
	737	687	458	646	532	605 = 36
%	20.2	18.7	12.5	17.6	14.5	16.5= 10

separate evidence sessions were devoted to examining these witnesses - councillors and officers as well as planning professionals - out of a total of twelve such sessions in all. Table 16 indicates that this amounted to 134 (37%) of 285 inputs in all. Chapter 10 makes clear that a number of recommendations made by these witnesses were reflected in the final report which recorded 63 local authority citations from a total of 147 citation inputs. (See table 4 on page 196)

Pressure Groups and technical topics

Another distinct trend in this analysis indicates that the reports which were of a technical/scientific issue type rely heavily on evidence from the Departments, from official agencies or from independent experts rather than from other sources. Whilst this will not, in itself, be surprising and is mirrored by a low level of input from pressure groups - 7% in the Acid Rain investigation , 6.5% in Welsh coastal pollution and 6% in radioactive waste - this low input is not always represented by low citations and suggests that for some groups of witnesses, quality of input does not equate with quantity, since the environmentalist lobby in these instances was able to influence both the tone and content of recommendations, in a way not achieved by local authority witnesses.

To test this proposition some of the large and influential pressure groups who are frequently invited to give evidence on environmental issues, were invited to review the specific recommendations, they had made and to evaluate the influence they had, both in the committee's formal recommendations and in the Government's response to them.

This exercise covered the reports on Pollution of Rivers and Estuaries (HC 183 Session 1985/6), and 'Planning: Call-in, Public Enquiries and Major Public Enquiries' (HC 181 Session 1985/5). The sample covers a spectrum of groups from the radical' direct action' internationally organized 'Greenpeace', to the long-standing traditional rural lobby represented in the Council for the Protection of Rural England.

Table 17: Pressure Group Recommendations: How they fared

Group	Inquiry	Issue Type	Recs Made	Recs Accepted By Committee	* Overall Response To Evidence From:	
					Committee	Government
Greenpeace	Pollution of Rivers & Estuaries	Tech/ Sci	6	5	Significantly	Moderately
CPRE	Planning: Appeals Call-in & major public enquiries	Admin.	14	7	Significantly	Moderately
FoE	Pollution of Rivers & Estuaries	Tech/ Sci	24	10	Moderately	Moderately

* Respondents were asked to indicate how far their proposals taken as a whole, were reflected in the Government's/Committee's response, either specifically or by implication.

The participants in this exercise comment upon the difficulty of being certain whether their argument is accepted or not. In the case of the river pollution debate, the 'goal-posts' were moved dramatically half-way through when government announced its privatisation plans for the water industry. The issue therefore is whether, in the outcome, the privatised industry will have stringent anti-pollution measures imposed upon it by statute.

The CPRE argument to the planning investigation stressed the importance of engendering a change of attitude by all participants, and to this extent feel that the very process of giving evidence, publishing a committee report and a Government

response, does as much to shift attitudinal stances throughout the planning community, as do specific detailed proposals (Bate CPRE 1989). This compliments the view of the special adviser who records the opinion (op.cit) that the committee report was widely utilised both in practice and in teaching. Table 17 above demonstrates that 50% of pressure group recommendations, (in-put) are reflected in the committee report (output); it is less clear that in terms of outcome, i.e. government action, the same success rate is achieved.

CPRE report that its recommendations to the Planning investigation were "progressively diluted" until the government's response bore little resemblance to CPRE's initial submission.

In order to understand the subtlety and complexity of determining this relationship, and the incremental nature of policy change, we need to look at the micro-level, at an example of input, output and outcomes and to note the differing emphasis or transformation which can take place as the system (fig 20) takes in an idea, and ejects it at the other end of the process.

We look at one relatively minor recommendation, made in evidence to the river pollution inquiry, by Greenpeace, and trace its fate in the select committee process:

fig 20 Input Output and Outcome: An example

Input

Recommendation 4 of Greenpeace memorandum to the Environmental Committee (HC 183 1986/7. p. 208)

"An urgent need is perceived for an aquatic toxicity database with incorporation of data concerning responses of a wide variety of organisms. Testing procedures should be implemented to take account of differential sensitivities of organisms relative to their life-cycle. Sensitive faunal components should be tested in addition to species of commercial importance."

Output

Recommendations 28 and 29 of the Environment Select Committee Report: ''Pollution of Rivers and Estuaries' (CH 183 1986/7 Vol 1.)

"Provision by chemical companies to their customers of data on the hazardous effects of their products in the environment and in aquatic toxicity levels, as well as inspection of their customers' storage facilities, are worthwhile measures. We recommend that DoE and the Health and Safety Executive together with CIA and CBI should consider whether such schemes should be introduced here ..... There should be a pooled index system, to which water authorities have access, with information on the properties of dangerous chemicals ...in regard to organisms".

Outcomes

1) DoE Response to the Environment Committee (HC 543 1987/8) (paras 4.16 to 4.18):

"The provision of adequate data on the hazardous effects of chemicals on the environment is necessarily difficult because of the wide range of possible situations ... Government is actively participating in discussions at European Community level on more comprehensive provisions for the classification and labelling of substances dangerous to the water environment...The proposal for a pooled index system is an interesting one, but it should be recalled that a number of databases and databanks holding information on the properties of chemicals, including their environmental effects, already exists...

(Continued overleaf)

The construction and maintenance of a pooled index system, accessible to water authorities...would be a very large task, and in view of the lack of full information on possible environmental hazards it is not clear (there would be) great advantage over existing systems. However, government departments will keep the issue under close review in the light of developments."

2) The Water Bill, published in February 1989 contains powers for the Minister to regulate by order, the Water Industry to maintain databanks on hazardous chemical pollutants and to carry out research into the effects of aquatic toxicity in rivers and estuarine waters.

3) Government announced its acceptance of A European Community decision which extends the Community information system for the control of marine pollution caused by spillage, to cover inland waterways. The system requires national governments to keep an inventory of toxic materials, their effects on marine organisms, and toxicity levels. (Council decision 16/17 June 1988). (EIS 80. p.13)

This evidence and the illustration of a micro-level example of one small piece of advice, in input/output terms, is illustrative of the contention that there are limitations to a quantitative assessment of citations of evidence, and further support for a parallel qualitative examination, which we pursue in the next chapter.

These examples also tend to confirm that pressure group influence was greatest in those cases where policy was at the evaluation and review stage or, in the case of the Wildlife and Countryside Act enquiry, was firmly in the implementation stage. A committee chairman confirms this impression:

> 'We felt pressure groups like Greenpeace and Friends of the Earth were valuable witnesses when they could bring evidence of a practical kind about the successes and failures of policy operating on the ground ... I think we were less impressed when they were polemical and arguing a more ideological case of their own'. (Rossi 1987)

Despite this view there is evidence that the growth of the select committee phenomenon has produced effects on the role and status of both the self-interest groups and pressure groups themselves, not yet fully reflected in the analytical literature.

In most committee investigations the self-interest groups appear to exert far greater influence than the count of inputs would imply. In only one of the enquiries (The Wealth of Waste), do their input scores, (or the citations made from them) reach the highest comparative level - and that was an economic topic in Agenda-setting/Advocate mode, which scored least in acceptances. In all the others, the influence is less easy to pinpoint, less specific or obvious than some other strands of influence, which leads to a closer look at the

countervailing influences which the fact of select committee access produces in the groups which attempt to utilize them.

Interest group involvement

In a recent study Richardson & Jordan emphasise the normality of interest group activity, their contribution to the responsiveness of policy-making and continuities in the process of interest group accommodation. They assert that pressure group activity is 'a normal, indeed commonplace aspect of a developed polity...' (Jordan & Richardson 1989)

Whilst we can agree that groups continue to play an important representational role, it is evident that the balance has been tilted under recent conservative governments, in favour of the Executive, and the structures under which their consent is mobilized are modified; select committees are becoming an important part of the mechanisms which mediate group-government relations. Indeed, committees are cementing the process of interest group integration in contemporary Britain. The agenda-setting role of interest groups is maintained - even enhanced, because although it is a committee and its chairman which formally choose topics and set committee programmes, we have seen that the nature of the debate, the emphasis and direction, especially in technical/scientific issue types, is largely determined by the evidence and memoranda of issue-based pressure groups, counterpointed by those self-interest groups and stakeholders, whose in-puts we have calculated in Chapter

20. above.

But Jordan and Richardson discern a new sectorisation of policy-making and the development of policy-communities which, they argue, may work towards the disaggregation of all policy issues.

They point to the disparity between the agenda of the group/government world and that of parliament and the media as evidence of this segmentation and the complexity of policy-making. (Ibid). This study of select committee work has shown that the relationship between science and the development of environment policy is one such issue which exemplifies the point and which we examine in a later chapter.

Interest groups have, for this thesis, been defined either as having a 'self-interest', or as being 'pressure' groups depending upon whether they have a commercial and representative interest or a disinterested 'cause'. (See discussion page 146/7).

Other commentators, including Marsh (1983) have characterised these differences as between 'economic' groups, formed to protect and promote the specific trading interests of their members, and 'ideological' groupings promoting or defending legislative or administrative change on moral, philanthropic or public good grounds.

It is evident from the literature that there have been a number of changes in what Schmitter (1979) termed patterns of interest group intermediation, during the 1970s.

Firstly, the number and range of groups has multiplied. Secondly the propensity for such groups to engage in political lobbying has increased and, third, such groups have emphasised contacts with the Executive, rather than with parties and parliament.

On a more recent view however, the Conservative government's commitment to less intervention and to cabinet prescription has reduced the potential for formalised direct contacts between interest groups and government. This has tended to emphasise the contact with and usefulness of relations with select committees.

The causes underlying these changes may have to do with the apparent reduction in QUANGOs, with the widespread deregulation in many areas of social and economic life, and with the breaking down of professional monopoly, all tending to reduce the status of groups which had achieved 'insider' legitimacy in the corporatist environment of the 1960s and 70s.

Commentators such as Marsh (1983) and Richardson & Jordan (1979) note the significant difference in patterns which obtain in various policy communities. The kind of corporatist patterns which emerged in the economic/industrial policy areas

were not apparent in social policy areas.

The evidence in this thesis suggests that the pattern in environmental policy development varies depending upon whether any economic interests are involved. This is particularly well illustrated in the case of the waste recycling and planning investigations and in green belt debates discussed above, where the self-interest groups such as NFU and the development industry and large trade associations, achieve inputs on a scale consistently larger than those ideological or 'outsider' lobbies are able to do. (See table 16)

However, the new component, the presence of the select committee itself, considerably complicates the earlier patterns of intermediation, whether they are defined in pluralist or corporatist terms.

A number of factors emerge: as chapters 10 to 19 illustrate, the select committee process has:

* Ensured that the case made by these powerful self-interest groups is exposed to the analysis of the 'outsider' groups such as FoE and Greenpeace. This is not so much a process of incorporation as a counterbalancing weight of argument.

* The ambivalent relationship between "direct action" or radical campaigning groups and Authority, is mitigated by

the authoritative, technically proficient evidence which they bring to the Committee's attention.

* In the select committee process, the close relationships between 'insider' groups and nationalised or official agencies such as the CEGB and the electrical appliance industry, is exposed to examination in a way not achieved before.

* The 'outsider' groups take at least one step over the Westminster threshold when they utilize the select committee enquiry to make their case and are by no means relegated to the tradesman's entrance. In other words a degree of legitimation is achieved which may fall short of incorporation but is nonetheless significant.

We have indicated above that another aspect of the new committees' role is their impact upon those within the policy community; that there are modifications to the way interest groups and pressure groups act themselves. Groups which submit themselves to select committee enquiries are required to justify their sectional aspirations in terms of the public interest - and to formulate their arguments in the knowledge of the published evidence of Departments and Ministers. (Marsh 1988).

In this context Marsh argues for select committees as what

he terms 'agents of parliament', to be catalysts for broadening the access and participation of interest groups, and to have a formal role in the mobilizing of consent. This would require committees to become agents with independent powers of political initiative, able to confront Ministers with the necessity to accommodate interest groups politics. It must be said that there is no evidence that committees have sought to go that far, or that the Executive would tolerate the constitutional shift required, but the matter is raised in Part V in a discussion of constitutional aspects of the select committee phenomenon.

Summary

From the evidence evinced by this attempt to establish a triangulated relationship of three key factors underlying select committee investigations, certain clear trends or patterns begin to emerge. When committees adopt particular approaches to investigations or have clear implied purposes in mind and are dealing with some types of policy or administrative problems, they consistently fare better than in other modes and subject-matter. They appear to fare least well when attempting to modify Government economic objectives.

Whilst it would not be safe to draw any firm or incontrovertible conclusions about those forces which would ensure that select committee enquiries attain influence on

governments or departments of State, some clear strands do emerge, especially in the relationship between the kinds of issues taken up by members and the style in which the investigation is conducted. On the other hand, the arbitrary way in which committees decide to undertake investigations allows of no clear, prescriptive judgements about when, in the life-cycle of a policy, intervention will have the greatest effect.

It is however possible to conclude that highly complex technical or scientific issues, taken up on the basis of collecting the most advanced knowledge and the broadest spectrum of expert opinion, and in a mode which does not so much challenge, as supplement the Government's own state of knowledge, is likely to find acceptance.

Both administrative and scientific subjects do well in terms of acceptance of recommendations when the investigations are undertaken in non-confrontational modes. (See Table 14) Similarly, challenges to underlying economic strategies or to strongly-held ideological stances are the least likely to exert influence. This is not to say that committees cannot successfully oppose and expose Government actions in matters of great public moment or party ideology. There are indeed a number of much-quoted instances since 1979 in which committees have successfully brought issues of a highly embarrassing kind into public scrutiny, achieving a change or clarification of policy or position. The Agriculture Committee, the Defence

Committee, the Social Services Committee and the Environment Committee have all made this kind of impact, particularly in more recent history of the select committee system. (For a discussion of these topics see Field 1988; Hennessy 1988; Ryle and Richards 1988)

As Gittings (op cit) has pointed out, it was never the intention of the system that it should have the reversal of policy or change of administrative decision as a major aim. On the contrary it was neither expected, nor did it seek to impose wholesale changes on government policy or administration. The process is more subtle; words such as 'influence', 'monitoring' and 'education' crop up most frequently. The most successful reports described here rely more on achieving constructive dialogue, or on widening or informing the debate on complex issues or policy development. The degree of long-term influence on policy change or on priorities is subtly difficult to pin down, although later pages of this thesis will provide glimpses of that process in action.

The quantitative significance of the analysis of inputs at Table 15 should not, on the evidence here, be overstated or indeed used to draw particular conclusions. Its value rather is in the patterns of activity which it reveals and the indications it gives of the process; that some evidence appears to have more impact than others. This particular glimpse into the 'sealed box' of the committee system will not

allow of simplistic statistical formulae; if the way the committee utilizes its material can be discerned from the citations which the report writers make, then it is rather a basis for drawing tentative conclusions and for following, in reflective way, the insights and trends which emerge.

For example; the Acid Rain enquiry (page 209) shows that although the committee received only 24 inputs from QUANGOS a official agencies, it cited the material 86 times in formulating its reports: in the investigation into Part II of the Wildlife and Countryside Act there were only 8 inputs fro these bodies but they were referred to 72 times (page 230)

Indeed the evidence from Ministers and their Departments and from official agencies is consistently quoted more often than other kinds of evidence (table 18) whether in Administrative Technical/Scientific topics.

To illustrate the point, table (18) displays the inputs and citations in two groups, distinguishing between technical and administrative reports, and allows us to see more clearly the relationship between inputs and citations of various sources evidence in the two types of investigation.

Table 18: Input to Citation ratio: Administrative and Technical/Scientific topics

Source of Evidence	Admin Issue Types				Tech./Scientific Issue Types			
	Inputs		Citations		Inputs		Citations	
	No.	%	No.	%	No.	%	No.	%
Ministers & Depts.	33	8.0	198	25.5	87	17.0	280	22.0
Quango Official Agencies	14	3.5	90	11.5	98	19.5	389	30.5
Local Authorities	117	28.5	94	12.0	50	10.0	103	8.0
Self Interest Groups	70	17.0	155	20.0	101	20.0	168	13.5
Pressure Groups	115	28.0	141	18.0	63	12.5	56	4.5
Independent Experts	63	15.0	101	13.0	107	21.0	270	21.5

These indications of the weight given to particular evidence are not always echoed in the relationship between evidence and recommendations of witnesses on the one hand to the conclusions of the select committees on the other. This validates the suggestion from the pressure groups in the survey conducted above that their influence is greater and more sustained than has so far been acknowledged. The perception of these participant groups, external to the parliamentary system, whether 'insider' or 'outsider' in status, suggests they are

finding the select committee a productive and receptive vehicle for the kind of detailed and complex case made in support of both administrative and policy change, especially in the technical and scientific debates which much environmental policy encompasses. The CPRE for example believe it is "an extremely useful forum for us to put across our more visionary ideas in the context of constructive debate. They have been helpful in encouraging us to set down on paper our views and hopes on one issue after another". (Bate 1989)

And if their case is not immediately conceded, either by the committee or by government, then there is other evidence to suggest that it plays some part in the longer-term processes of policy change and formation. Evidence from MPs active in the committee process examined in the next chapter leads especially to this conclusion and it is the nature of this phenomenon which we need to understand to enrich the matrix approach adopted so far.

What this analytical matrix approach to select committee activity illustrates, together with the numerical evaluation of its inputs, outputs and outcomes, is that whilst 'mode' and 'issue-type' are relevant factors in the assessment of a committee's activities, and the point of intervention in the life-cycle of a policy will affect the outcome of an enquiry, other factors too must be understood and may be more instrumental in achieving change.

Perhaps the key point is that the inquisitorial and reflective

nature of the committee process is not well catered for in other parts of the parliamentary process and it therefore tends to have an illuminating or enlightening, rather than a direct problem-solving role.

The collation of evidence and research does not, in these examples, directly produce major policy change, but it changes the nature of the debate, colouring the context and having the kind of gradual impact upon policy-makers which may never be attributed back directly to the original work or the committee report which elicited it.

This thesis argues that this imperceptible contextual shift, affecting departmental advisers, ministers, backbenchers and other, non-parliamentary actors in the policy communities, adds up to far more than simply the pursuit of 'explanatory dialogues', in which terms one commentator has most recently characterised select committees. (Johnson 1988 p.183)

Whilst acknowledging Johnson's case that select committees do not make, or decisively change policy, it is possible to demonstrate a far from marginal impact on the direction and awareness of government actions in environmental matters and the role of the State in limiting the damage to ecological systems and the global environment of advanced industrial societies such as the United Kingdom.

Another factor, not yet picked up by the political analysts, but

emerging in the work of the Environment Committee is the cumulative impact of a consistent series of reports, now stretching over three parliaments, on one area of policy. The Acid Rain report in 1984 (HC 446 83/4) and its follow-up (HC 51 85/6); Air Pollution (HC 270 87/8) and Toxic Waste (HC 22 88/9) amount to an impressive body of scientific evidence constant in its argument and the high quality of its case for policy advance.

The Environment Committee Chairman makes the point succinctly:

> "From our work on environmental issues over a number of years, we sense a growing concern, as much from within industry as without, for consistent effective and scientifically justified environmental protection against every separate source of danger. We consider that the DOE has failed to provide the leadership and commitment necessary to achieve this. It can only be obtained by a more cohesive system of regulation and we consider the time is ripe for a major new agency, which would integrate the current fragmented system and provide the sustained motivation and direction necessary on environmental issues". (Rossi 1989 Vol.1 P.10)

The degree to which this long-term attention produces heightened awareness of public opinion, better media understanding and a coherence and uniformity of argument may have, in the longer term, important political consequences.

In the next chapter we examine other elements of this essentially evolutionary process; using the techniques of pluralistic evaluation and starting with the insights of those most central of participants, the committee members themselves.

CHAPTER TWENTY-ONE

QUALITATIVE APPROACHES TO ASSESSING EFFECTIVENESS

*

Introduction

It has been argued that Select Committees are emerging as intermediary agencies allowing interests and arguments to be deployed almost at the heart of the parliamentary process. As government distances itself from a legislative programme of widespread deregulatory privatising and centralist policy-making, which seems at times to by-pass the floor of the House of Commons, some parliamentarians view the select committee as one of the few remaining antidotes to prime ministerial dictat. (Emery 1989)

There is a view emerging, illustrated by the comments recorded here from some of the major pressure groups and from participant MPs, that as the Executive grows less responsive, even to its own back-bench opinion, parliament through the committee system may be a vital link in the chain of pluralist policy mediation.

Backbenchers gain expertise and use it in other parliamentary arenas, questions to Ministers are more incisive, departmental advisers more open to ideas.

So far this thesis has relied upon numerical evaluation of material to assess the impact of committees on departmental policy and the influences which lead committees to formulate sets of recommendations.

But this inevitably lacks a certain qualitative dimension; much depends upon the nature of the recommendation and whether it is a generalised one or very specific. Secondly, it is not always clear whether it was the committee's influence or another unacknowledged source which led to acceptance. Nor of course is it only government departments who exist to be persuaded. (Rush 1983 p.165) In the reports analysed here, major non-governmental bodies such as CEGB, BNF, Nirex, English Heritage and the Welsh Water Authority not only gave evidence but responded positively to committee recommendations. So did quasi-government agencies, administering legislative measures.

So if we are to get a rounded view of the effectiveness of the new committee system it is necessary to compliment the result of looking quantitatively at the fate of recommendations and to seek a more detailed account of the process from the varied and various interests with a stake in the outcomes; to expose the interactions and negotiations which occur in the course of committee investigations.

Part II of this thesis has established both a new approach to quantitative measurement of select committee effectiveness and the clear limits to the application of quantitative methodology to the concept of 'policy' and its development or mediation within a democratic pluralist system. There are strengths and weaknesses in any single data collection strategy and in this section a qualitative approach is adopted which poses problems of its own and requires a return to the concept of triangulation of data, thus permitting the evaluation to combine the strengths and correct some of the deficiencies of any one source of data, building in checks and balances and increasing the strength and vigour of our understanding of the impact of select committees.

In this way further insights are provided, some more subjective and intuitive measures, from the key actors in the process - for example, from the members themselves engaged at the heart of committee activity.

This technique of pluralistic evaluation draws heavily upon the theories of political pluralism which underlie this thesis; identifying the range of interests and interpreting their separate notions of 'success', then attempting to disentangle the meanings of values brought to the process by each constituent stakeholder group, as it attempts to express its own perception in its own interest.
(Smith & Cantley 1984 op cit)

Qualitative data in the form of words rather than numbers have been a staple tool of social science research for many years but in the past decade researchers in other fields such as public administration, sociology and policy analysis have shifted to a more qualitative paradigm.
(Miles and Huberman 1985 P15).

For the purposes of assessing select committee work qualitative data have a particular attraction. They are a source of well-grounded rich description and explanations of processes occurring in localised contexts; often contexts not accessible to other than participants - the 'sealed box'.

Such data may also allow the research a degree of chronological flow and new theoretical integrations leading beyond initial preconceptions and frameworks. The viewpoint of the recipients or beneficiaries of policy - the stakeholders - can also be exposed with a vivid, meaningful flavour not easily reached by other means. As Smith has put it: 'Findings from interviews and other qualitative studies have a degree of undeniability .....' (Smith 1978).

But multiple data collection strategies are, in the terms of Patton (1987) and Denzin (1978) a form of triangulation. Denzin explains that the logic of triangulation is based on the premise that:

'no single method ever adequately solves the problem of rival causal factors ...because each method reveals different aspects of empirical reality'. (Denzin Ibid)

He identifies four basic types of triangulation:

(1) Data triangulation - the use of a variety of data sources, for example, interviewing people in differing status positions or with different points of view;

(2) Investigator triangulation - the use of several different evaluators;

(3) Theory triangulation - the use of multiple perspectives to interpret a single phenomenon and

(4) Methodological triangulation - the use of multiple methods such as interviews, observation, key actor surveys and questionnaires.

In this study of select committee effectiveness we use all but the second of these techniques.

Essentially this is a practical recognition that the student of the political effectiveness of select committees not only needs to be open to more than one way of looking at committees and their outputs and outcomes, but also needs an insurance against the possibility that preconceived ideas or enthusiasms

colour the inquiry. The methodology, in a word, ensures that we stand back from the consideration of success or failure of committee activity and ponder the multiple viewpoints from which such questions can be asked.

Different key actors require differing survey techniques; the earlier extended, in-depth conversation with a committee chairman and officials ranged over both policy and process and their experience sustained over a whole parliament. In this chapter very specific questionnaires based upon the individual's own evidence and written submissions and the advice/recommendations they made, have been used. A range of survey techniques have been utilized to match the particular category of participant, enabling us to focus sharply upon their own experience and then to reflect upon the consequences of their evidence.

Thus the method used has been tailored to the role of the subject, ranging from those permanent participants whose involvement is sustained over a whole parliament and longer, through those who become intensely associated with the whole of one committee enquiry, to those witnesses who spend perhaps one concentrated 4-hour session answering questions in public session.

In order to reach the views of those most intimately involved in the political experience of formulating recommendations, nine members of Parliament, each of whom had served on the

Environment Committee, were approached; the sample was differentiated by party allegiance and by activity in three separate Enquiries. In the event six responded to postal questionnaires constructed to reflect their experience of specific topics and to elicit perceptions of outcomes, especially in the parliamentary arena.

Similar targetted surveys, built around particular memoranda and evidence were then directed to three pressure group witnesses, to three witnesses from economic self-interest groups and to two independent experts and laboratories, focusing upon their own personal experience of the process and their reflective view of what subsequently transpired, both in policy terms and in the wider policy community. Different Committee reports were used for each of the interviewees.

Three specialist advisers, whose experience is sustained over the whole length of a particular investigation, took part in lengthy, face-to-face structured interviews at the end of which each completed a tick-sheet designed to ascertain their mature reflection of the outcome of their work in influencing the direction of policy and those who make it.

In this way the following pages attempt to 'grasp the natives point of view...' (Palmer 1928) (Burgess 1982 p.107)

Committee Members' Perceptions

Six active members of the Environment Committee who had been intimately engaged in three of the most important investigations mounted during the Parliament of 1983/7, were asked for the purposes of this thesis, to reflect in retrospect on the impact of their reports; (Acid Rain HC 446; Radioactive Waste HC 191; Planning HC 181).

What was their own measure of the impact their reports had on modifying the policy of the Department of the Environment?

Two members felt they had no influence; two thought they were very influential and two "moderately so". In terms of the score of accepted recommendations two MPs recorded the view that in these reports the level of acceptances represented failure, whilst others felt it was "all that could be expected" and one that the acceptance rate was highly successful.

Asked to assess the influence on longer term direction of government policy, three members felt that their investigations had been moderately important in this regard, two very important and one; "not in any way important".

In seeking to establish how these effects have been achieved, members were asked to consider the ways in which influence

operates and whilst none of them felt there would be immediate legislative change, two were convinced that change would derive from the committee's evidence improving the quality of the department's scientific knowledge, whilst five cited the select committee's ability to increase public awareness of environmental damage as the impetus to policy change. Three members said it was essentially long term directions which would be modified and two registered the fact of strengthened reputations of the ideological lobbyists deriving from the quality of evidence they submitted.

Significantly, all six members supported the view that in due course government would concede that a major new agency, co-ordinating all official activity to protect the environment, was the right response to the issues raised by the Environment Committee. All believed that the long-term, consistent and sustained programme of investigations undertaken by the Committee would be the motivating force for such an outcome, thus echoing Rossi (See page 347).

This survey also asked members of the Environment Committee to specify what influences, outside the committee activity, would have been more important in achieving change. The list they provided is a useful insight into the perception of MPs themselves, about the sources of pressure for policy change to which ministers and their advisers are susceptible; it comprises:

Parliamentary questions

Opinion poll findings

Pressure from the EEC

Pressure from foreign governments

"Vested interests" (i.e. CEGB and BNFL)

Two of the six members questioned in this survey considered that no other influences are more important than select committee reports.

MPs were asked which sources of the evidence they heard influenced them most; contrary to the finding in chapter 20 based on counts of inputs and citations, five of the six specified the evidence of independent experts as most important in shaping their recommendations. The sixth said that his overseas visits and conversations with foreign nationals, especially in the Acid Rain enquiry had most influence in forming his opinions. Members cited the disinterested or academic content of these witnesses' evidence as the basis for their view, echoing Rossi's view quoted above (page 334) that MPs were wary of witnesses with a "case" to pursue.

However, Members of Parliament are essentially creatures of party allegiance, and we need to look at the way this fact affects their behaviour inside the committee.

The Cross-Party dimension

There is little doubt that concerns about the environment - about acid rain, CFC's, the ozone layer and nuclear waste - have, in the last decade emerged from a fringe concern of the marginal 'greens' to an important and persistent theme of current political debate; acknowledged daily in the media and given serious attention by leading political figures both in and out of government. By the end of the decade the politics of the environment had, arguably, become the most prominent topic of debate with major conferences, media coverage and speeches from Royalty, from the Prime Minister and other political leaders an everyday occurrence. Much of the argument has been couched in non-party based terms.

The impetus for this growth, traced in part in this thesis, has come from several sources. The environmental lobby and the embryo green political organizations represent one source; another is the European Community; yet another is the sequence of tragic environmental disasters typified by Chernobyl, Bophal and Three Mile Island, in which the potentially world-wide scale of nuclear and chemical pollution has been indelibly imprinted on the public consciousness. But one of the factors which has ensured the success of this process is the role of the select committee system which has provided a new mechanism for bringing authoritative, well-researched commentary on current policy to the very heart of the parliamentary political

process.

Backbench MPs can speak with a new authority on matters of highly complex technical content, largely as a result of the methodical collection of data and examination of expert witnesses undertaken by select committees and the usually non-partisan, unanimous nature of the recommendations they make. All of the MPs surveyed for this thesis indicated that they continue to pursue the topics they investigasted as members of the environment committee, in other parliamentary activities. They form part of the backbench resource whose expertise arises directly from the select committee system.

The absence of party ideology has been noticeable in the reports considered here, a point which some commentators have suggested allows the reference to 'all-party' committees some additional credence. How much value then, is there in the notion and does it lend a degree of authority to reports which partisan argument would not have?

In the cases under review it can be shown that not only was party interest of minimal concern, but that division of any kind was regularly negotiated in informal session. The evidence of Gren (op cit) and of Rossi (1987 op cit) would appear to be confirmed by the following analysis;
see table 19.

TABLE 19

Formal Amendments in Select Committee Proceedings (Environmental Topics 1983/7)

Topic	Committee	No. of Recs.	Amendments Proposed	Withdrawn	Agreed Without Division	Adopted or Defeated on Division	Party Split in Divisions	
Green Belt/Land for Housing HC 275 83/4	Env.	26	19	2	14	3	One: One: One:	3 Lab : 3 Con 1 Lib 2 Lab : 1 Lab 2 Con 1 Lib 3 Con : 2 Lab 1 Lib 1 Con
Acid Rain HC 446 83/4	Env.	22	1	0	0	1	One:	2 Lab 1 Lib : 6 Con
Wealth of Waste HC 640 83/4	T&I	10	0	0	0	0	-	- -
Wildlife & Countryside Act HC6 84/05	Env.	18	2	0	2	0	-	- -
Coastal Pollution in Wales. HC101 85/6	Wel.	16	3	0	0	3	Two One	1 Con 1 Lab 1P.Cy : 5 Con 1 Con : 5 Con 1 Lab 1 P.Cy
Radioactive Waste HC 191 HC 211 85/6	Env.	41	14	0	0	14	Three Six Three Two	1 Lib : 4 Con 1 Lib 1 Lab : 4 Con 1 Lib : 4 Con 1 Lab 1 Con : 3 Con 1 Lib 1 Lab
Planning : Appeals, Call-ins and Major Public Enquiries HC 181 85/6	Env.	37	22	4	9	9	Four: Five:	1 Lab : 4 Con 1 Lab : 3 Con

Continued.....

Formal Amendments in Select Committee Proceedings (Environmental Topics 1983/7)

Topic	Committee	No. of Recs.	Amendments Proposed	Withdrawn	Agreed Without Division	Adopted or Defeated on Division	Party Split in Divisions		
Pollution of Rivers & Estuaries HC 183 85/6	Env	36	0	0	0	0	-	-	-
Historic Buildings & Ancient Monuments HC 146 86/7	Env	42	4	0	4	0	-	-	-
Caravan Sites Act 1968 HC 414 84/5	Env	11	-	-	-	-	-	-	-

The table shows that the ten reports produced on environmental topics during the Parliament of 1983/7 contained 259 recommendations. Sixty-five amendments were proposed and of these, more than half were withdrawn or agreed without division, leaving only 30 to go to formal division. It is some measure of the consensus achieved in these committees that only 11.5% of all recommendations were not fully supported. This analysis also demonstrates the cross-party voting patterns. A total of nineteen divisions occurred in which voting was straightforwardly government supporters against the opposition parties, and these were confined within three of the ten reports considered.

The substantial consensus achieved should not be confused with what Drewry and others have called 'the consensus model', in which committees collectively agree to undertake 'safe' or uncontroversial topics in order to avoid party-based splits. (Drewry 1985 op cit) This has not happened in the environmental debates examined in this thesis. Nor is Sir Hugh Rossi's determination to avoid the high profile topics, the same thing. In fact, the tone of a number of the reports reviewed here, is distinctly combative as we have seen, and two of the three reports in which divisions occurred based on party lines, i.e: Acid Rain or Radioactive Waste, were the most challenging in tone and mode of investigation - and were least well received by government: in other words Tory majority votes were certainly not necessarily in support of the government on

these issues.

It can be argued that a substantial degree of consensus is necessary if select committees are not to degenerate into miniature replays of battles on the floor of the House, however this has not resulted, in these investigations, in a blandness or marginality, or in deteriorating relationships with departments, as some commentators predicted (Drewry ibid). Indeed one key actor in the process notes:

> "Firstly, select committees are dealing largely with policy issues. Hence there is a growing relationship with the Secretary of State. Civil Servants appear as agents of the Secretary of State. Second, most Ministers have tended increasingly to ensure they carry the committee with them. The Chairman and members of these committees have increased their influence with Ministers and now acquire a good deal more official and unofficial information than they did in the past. (Cooper 1987)

As we have seen, the environment as an area of policy development, has moved centre-stage in the period of this enquiry, even accelerated in the following Parliament, and the tone and content of many of the reports have confounded the critics of the select committee system who foresaw a cosy, non-partisan clique, remote from the real world. Certainly any impartial reader of the challenging enquiries described above would not allow of the term 'cosy',

and the disposal of radio-active waste, for example, is as current and vital a policy issue of the real world as any now before Parliament.

Perhaps the principal cause of the level of consensus demonstrated above is the perception, within the committees themselves that their role, in a Parliament unique for its large conservative majority and its unfettered use of Prime Ministerial power and drive, as being primarily one of dispassionate and constructive policy analysis and monitoring. Johnson concedes, in his most recent review:

> 'There are certainly specialised bodies which look with real gratitude to a committee for the evidence it has assembled and the issues it has highlighted. (Johnson 1988 op.cit p.184)

The Specialist Advisers

Valuable insight into the political processes going on inside select committees can be gained from the specialist advisers appointed to assist in investigations. The ability of select committees to appoint such advisers derives from the recommendation of the Procedure Committee and in the standing orders of the House of Commons (see Appendix 2). The Liaison Committee has commended many committees for their 'imaginative use' of this facility. (Drewry 1985 op.cit.)

The Environment Committee has appointed appropriate specialists for each of its investigations who, by the nature of their role provide a particularly valuable perspective on the effectiveness of investigations and the ability of members to get to grips with the complexities of subject matter. Advisers are independent, expert and at the same time close observers of the members and of the way they use and interpret the information they gain.

This section draws on a piece of research comprising a series of structured interviews with three specialist advisers, attempting to draw qualitative assessments and additional insights via this 'participant observation'. The three specialist advisers appointed respectively for the investigations into Planning (HC 181 1985/6), Acid Rain (Hc 446 1983/4) and Radioactive Waste (HC 191 1985/6). Their comments are summarised and examined in tabulated form (Table 20) with discussion, responses and comments under the more important headings, set out for each interviewee followed by commentary. The contributors to this exercise were:- Walter Patterson, Malcolm Grant and Nigel Bell.

TABLE 20

	How Appointed ?	Experience was Negative/ Positive ?	Good Use of Time ?	Specific Tasks Undertaken	General Impressions of Process	Party Divisions?	Motivation of Members
Walter Patterson Radioactive Waste (HC 191 85/6)	Informal approach based upon extant work. Had to be persuaded.	Apprehensive but ultimately positive.	Yes in due course.	Prepared briefings for members. Commentary on Evidence. Suggested witnesses and counter-witnesses. Checked draft recommendations. Consultations for Clerks.	Under-resourced but good means of exposing issues. Members were of mixed ability.	Not noticeable	Not much. Some very lazy.
Malcolm Grant Planning (HC181 85/6)	Soundings via RTPI. Informal approach first.	Yes, good insight	Yes	Suggested avenues of Enquiry. Selection of witnesses. Deliberative meetings. Briefing for evidence sessions. Prepared questions.	Power and influence lay with Chairman 80% and Clerk 20%	Minor gestures	Resentment of Government dismissal. Desire to influence policy.

	How Appointed ?	Experience was Negative/ Positive ?	Good Use of Time ?	Specific Tasks Undertaken	General Impressions of Process	Party Divisions?	Motivation of Members
Nigel Bell Acid Rain (HC 446 83/4)	DOE provided list of names. Approached direct by Clerk.	Outstandingly good	Yes	List of Witnesses Briefing document for members (Laymans's Guide) Reading submissions Drafted questions. Comment on Draft report.	Positive force for good. Exposes scientific issues in the public interest. Got issue on to the political agenda.	No strong divide.	Public concern fuelling concern.

	What was your influence on:								
	Direction of enquiry	Mode	Submission of evidence	Witnesses	Questions asked	Recommendations	Ranking of Evidence	Were Your Own Prejudices Prevalent	Comments on the Report
Patterson	Minor	None	Significant	Some	Significant	Accuracy only	None	In the event yes, but mainly through clarifying what the evidence was saying.	Had limited expectations. But distinctive virtue is in educating Civil Servants & Gov't scientists. Issue and inconsistences of policy well exposed. Compendium of basic technical information. One significant change of policy achieved.
Grant	None	Some influ-ence	Selection of issues.	Some.	Significant	None	*	*	A useful compendium of current knowledge. Good teaching aid to planning procedure. Well-researched. Welcomed by the Institutes. Pressure groups v. professional evidence.

	What was your influence on:								
	Direction of enquiry	Mode	Submission of evidence	Witnesses	Questions asked	Recommendations	Ranking of Evidence	Were Your Own Prejudices Prevalent	Comments on the Report
Bell	None	None	Significant	Some	Some	Drafting only	Strong influence	Inevitably, but not in any way contrary to witnesses or evidence.	An important and necessary job. Very influential in the wider policy community especially in Gov't research circles. A quite violent re-action from the CEGB & NCB at the recommendations.

	General Comments On Report
Patterson	The nuclear industry were casual at first but later felt the need to be better prepared. The first few weeks evidence sessions appeared to be getting nowhere but after BNF evidence which was dismissive, the whole thing took off - real team spirit. Gov't witnesses least impressive. This was the first review of policy since 1974/6 (The Flowers Report). The enquiry exposed the fact that Environment Ministers were limited to issues of minimising waste. Wider nuclear policy is for Energy Dept. Therefore policy is inconsistent and incoherent.
Grant	There was collaboration with Dept. They identified open doors on which to push. Report exposes differences in professional/legal circles and raised level of debate with all Planning circles. Local authorities least effective part of the process. The report has heightened the awareness but the major policy issue concerning planning enquiries and public policy-making is no nearer being resolved.
Bell	The European Parliaments and pressure groups were very impressed. Hence HC 51 published separately. The report also influences pressure groups themselves; they have collaborated around the issue noticeably. The Minister was a particularly impressive witness. Both the DOE and the industry saw this as an important inquisition of their conduct.

	Your contact with Committee staff	The 'delayed drop' phenomenon	"The purpose of the Committee is to change the climate of opinion; to take rationality on board in a process which is essentially political". Do you agree?	
Patterson	Very collaborative. My opinions sought frequently.	Yes	Yes - and to identify conflicts of evidence and policy.	
Grant	Close	*	*	* This interview was terminated early unavoidably.
Bell	Mostly formal & infrequent	Yes. Impetus given to further research. Secondary influence of report not yet assessed.	Agree	

Dr Nigel Bell	Acid Rain (HC 446 83/4)	Senior Lecturer Centre for Environmenta Technology, Imperial College of Science & Technology London.
Dr Malcolm Grant	Planning: Call-ins Major Public Enquiries & Planning Appeals (HC 181 1985/6)	Senior Lecturer in Planning Law at University College London
Walter Patterson	Radioactive Waste (HC 191 1985/6)	Independent Consultant Scientist

A prominent feature of these interviews, which each adviser acknowledged, at least by implication, is that their involvement in the process, whilst neutral in a formal sense is not either detached or uncommitted. Advisers clearly have an influence, acknowledged or not, in the outcome of the process; each was responsible for recommending witnesses, for interpreting the meaning and weight of sometimes complex technical submissions. Bell explains: "I provided a layman's guide to the technical papers, reading, commenting and summarising. I prepared draft questions for members to pose to oral witnesses".

In the Radioactive Waste Enquiry Patterson was asked to annotate the lengthier papers and to suggest new witnesses when pieces of evidence conflicted.

All the advisers were present at deliberative meetings of the Committee and were able to observe the process of arriving at recommendations. Grant saw no obvious party alignment in these sessions "apart from some occasional automatic gestures of opposition".

Despite a unanimous view that the Committee was under-resourced, all the advisers found the process positive and a good means - "perhaps the only means" - of exposing the scientific issues in a satisfactory public way.

One adviser noted a varying level of commitment among M.Ps observing that some would attend very briefly or fall asleep during sessions. Two found the chairman oustanding in his grasp of detail and forensic ability. Those well motivated members seemed driven by the desire to exercise some influence over policy and expressed some resentment that their ideas were so frequently dismissed out of hand, by Ministers. Asked about the distribution of power within the procedure one specialist adviser commented:

"There is undoubtedly some power in knowledge but the Chair and Officers were quite clearly most influential forces". He felt at no time that he was persuading members to a view, or would have been successful if he had tried. He was kept a little at arms length from the Committee and dealt mainly through Officers. He did however have some influence on the direction of the Enquiry by highlighting areas of controversy and argument between the scientists and within the industry". (Patterson 1988)

As to the influence of their own prejudices and whether they were influential as specialists, Patterson responds:

> "In the outcome yes, better than I expected, but there was no conscious attempt to make this so. It happened because I was able to clarify for lay members what the evidence was saying, interpreted in the light of other evidence and highlight the key points. I had no influence on final recommendations other than helping to edit them for factual accuracy". (Patterson ibid).

Another adviser comments:

> "My earlier expectations of the Report were limited but the distinctive virtue of select committee reports of this kind is that they are part of an educational process for civil servants within departments. They probably use them in

internal arguments with their own advisers and this is more important than any residual influence on M.P.s or Ministers. (Grant 1988).

The three advisers were asked about the quality of the evidence and witnesses. One suggested that the departmental representatives were least prepared and weakest in presentation. Generally there was a high level of input and most of the pressure group witnesses were well respected and well received. Bell however commented that the Minister and his department prepared seriously and thoroughly for the Acid Rain Enquiry and were particularly impressive in the evidence session at which they appeared.

The Report on Planning procedures was, in Grant's view, very influential. The government accepted, in one degree or another most of the committee recommendations, rejecting only five outright. Grant thought this was because they were very largely ones of an administrative kind. The DOE had set up its own internal review of procedures, rules and effectiveness, partly prompted by the knowledge that the committee was going to have an investigation. There was a lot of collaboration between the committee and the department and members were able to see many of the internal review papers. This may, in Grant's opinion have determined the outcome of the generally favourable government response, but major policy issues remain unresolved.

"The department were inspired to their own review by the knowledge that the committee were on to the subject; they saw it as an important inquisition of their own conduct of policy. Department witnesses prepared well and identified "open doors" on which the committee need only push gently. Areas were identified where it appeared that government would welcome committee recommendations. If not exactly a collaboration then a subtle process of joint encouragement!" (Grant 1988)

Bell concurs the Acid Rain Report was "very influential" within the wider policy community. Within government circles it resulted in more emphasis on research and more monitoring activity. He notes the impact which the Report made on European governments and particularly parliamentarians in Norway and Germany:

> "They expected a party of British M.P.s to be unsympathetic to their case and were appreciative of the outcome and of the critical tone of the report. The fiercest contrary reaction came from the CEGB who were very volatile and saw it as an inquisition of their conduct, reacting quite violently at a scientific level, against the recommendations". (Bell 1988)

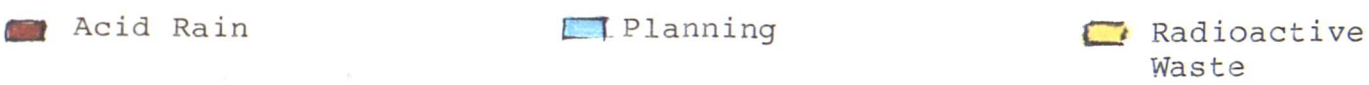
Bell underscores the importance of visits made to Europe and to Galloway as having the greatest impact upon the members of the committee:

> "Walking in dead forests and listening to the Norwegian fishermen can make a stronger argument than a fifty page technical paper." (Bell ibid)

All three advisers played some part in the preparation of the final report and recommendations of the committee investigations in which they participated. Bell was consulted on drafting, Patterson edited the technical aspects of the recommendations for factual accuracy and Grant contributed to early drafting of recommendations prior to their approval. How did they assess the impact which the final documents made? In the case of scientific/technical issue type enquiries, perhaps the most significant point about the role of specialist advisers is that they improve the quality of the inquisition of scientific witnesses and make it less likely that lay committee members will be bemused by the complexity of the issues. Each of the specialist advisers was asked to identify the extent and nature of the influence which their reports had on government and the direction of policy. Each took part in an exercise in which they indicated from the statements in Table 21 those which most nearly summed up their views and the strength with which they held that opinion. Table 21 below illustrates the result and provides an interesting counter-point to the same subjects' comments in

Table 21: Specialist Advisers: "Which of the following statements most nearly represents your assessment of the impact of your select committee report, and how strongly do you hold that view?"

Statement	Believe Strongly	Probably	Possibly
Little or no impression upon either Minister or Department.			
Influenced other agencies involved in the policy or implementation process.			
Changed the climate of opinion within the wider policy community.			
Shifted the debate significantly forward.			
Made a direct impact on current policy			
Significantly affected subsequent policy development whether acknowledged or not.			
Will in due course form the basis of future policy change.			
Went virtually unnoticed.			



the structured interview procedure.

Each interviewee was asked to mark only those statements which they believed to be true, and to do so in one of three columns indicating the strength with which they concurred. None marked statements implying that their reports made no impression, or was unnoticed. (Table 21).

The Acid Rain report in Bell's perception then, made a significant impact on the policy community, on the progress of the debate and on the government's policy development. Grant is less certain of the success of the Planning investigation but nevertheless notes the influence which the report had in shifting the debate on the issues forward. This compliments his earlier statement that the Committee report formed a good compendium as teaching aid, as a summary of the issues at stake.

Patterson's opinion that government policy on Radioactive Waste is inconsistent and incoherent (Table 20) perhaps leads to his rather more pessimistic assessment of the Committee report's chances of influencing the debate or the participants or of affecting future policy.

The Independent Experts

Reference to table 18 on page 343 demonstrates how substantial is the notice taken of evidence to select committees by those bodies or individuals categorised as 'independent experts' - that is to say, those with no obvious economic self-interest or ideological position on the topic under scrutiny. Some such bodies, it is true, offer services as consultants and are active members of the policy community, but insofar as their evidence purports to be disinterested, factual and based upon professional expertise or academic knowledge in the field, their contribution is presented and accepted as that of experts. They were responsible for over 16% of the total 3665 inputs of evidence to the enquiries under review, and in the case of technical/scientific topics they represented 21% of all witnesses inputs, accounting for 21.5% of the citations in published committee reports. Their views of the effectiveness of select committees as agents of change are therefore of particular interest and the following comments are based on interviews with two such witnesses, representing independent consulting laboratories, specializing in environmental engineering issues and typical of the experts sought out by the Committee Clerk in a number of investigations.

Pratt, whose advice had been sought in more than one of the inquiries on environmental topics, commented on the quality of the inquisition when facing Members:

'I found the committee searching in its inquiries; had a good appreciation of the complex issues surrounding the subject, and proposed a cohesive approach to improve standards etc. The select committee and the Royal Commission remain the most effective form of pressure to change government policy - albeit a slow process'. (Pratt 1989).

This participant found it difficult to judge how far his advice had been taken specifically, but the concerns he had expressed in the field of waste disposal and contamination of land 'are clearly reflected, both in the report and the Department's response'. His evidence in general, he scored as making 'significant' impact, his specific memoranda were 'moderately influential'.

Both Pratt and the second interviewee, Clark, used the same term to describe their impact on the Government's response to the committee reports and both regard as 'substantial' the select committee's contribution to the growth in parliamentary interest in environmental issues between 1983 and 1985, and believe that committee activity is an important element in stimulating policy change. (Clark 1989, Pratt 1989)

As long term observers of environmental policy issues, both experts were asked to assess how far policy was likely to move

towards Committee recommendations in the longer term; Clark is certain it will, and Pratt thinks it probably will. Both however were positive about the extent to which the reports were influential within the DoE, Parliament and among practitioners and lobbyists. (Ibid)

These observers are perhaps in a stronger position to address longer-term outcomes than those with a campaigning commitment, and were asked to consider a longer perspective on committee impacts. Pratt is convinced of their role in stimulating the growth of parliamentary interest in environment: 'an important element in the campaign to change policy in this area'. He is less certain that the Committee recommendations will eventually be reflected in specific government policy, scoring 'probably' to this question. However, Clark records the view that the Inquiries to which he contributed shocked the Government into devoting more resources to environmental issues: 'They will try to pre-empt criticism of this kind in the future'. Pratt comments: 'Responses were defensive and uncomfortable for politicians; I think they will be more positive and forthcoming in the future'. (Ibid)
(See survey responses - Appendix 3).

The Self-interest lobby

The academic commentators of the 1970s argued that the accommodation of the 'purposeful aggregates' forming the powerful pressure groups were an essential part of pluralist democracy or, alternatively part of the bargaining and incorporation of corporatist analysis. (Rivers 1974; Pym B. 1974; Marsh D. 1983; Richardson and Jordan op.cit.)

However, in the Thatcherite climate of the late 1980s the role, particularly of the self-interest groups requires quite a different analysis. (Marsh I.) argues that the 'drift and immobilisation of current policy-making' could best be remedied by integrating pressure groups more effectively and comprehensively into the policy-making process via select committees. (Marsh 1986)

Whilst nothing in Marsh's research suggests that this is, in fact, happening, the potential power and highly professional approach over many years, of such groups as the National Farmers Union, the Confederation British Industry and House Builders Federation has, with the growth of the select committee system, been brought to bear in the interest of their members, where they see their vital interests at stake. If such bodies had lost some of their 'insider' status with government departments, they have been welcomed into the committee rooms on a regular basis, not

least in the debates on environmental issues such as those reviewed in chapters 10/19 above. For this thesis, the view of three bodies contributing both memoranda and evidence to the Environment Committee's Pollution of Rivers & Estuaries and Planning Appeals investigations, were sought. We examine here their impressions of the committee, the outcome and their assessment of the importance in policy formation terms, of the reports.

Compared with the other groups of participants recorded in this chapter there is a distinctly less enthusiastic assessment of the role of the Environment select committee from all three of the major representative groups who responded to questionnaires related to the evidence they gave and the technical memoranda they supplied. The Housebuilders Federation, the Confederation of British Industry and the National Farmers Union each recorded their opinions in the targetted survey that their own contribution had minimal or no effect and that the committee report itself was either 'moderately' influential or not so at all.

The HBF specified three of the nine recommendations it put to the committee as having emerged as policy or in government White Paper proposals in the three years following the select committee report, but recognised that other influences within the policy community had contributed to the outcome.

Whilst the CBI registered the view that select committees are a moderately important element in the process of policy development on environmental topics, the NFU and HBF thought they had no influence. However the latter two bodies felt that river pollution policy might move closer to the committee's recommendations over time but the initiative to privatise the industry had been announced whilst the investigation was in progress and had overtaken the debate. This, they thought ensured that there would be a welcome only for those committee recommendations which co-incided with government policy. (NFU 1989) This comment echoes the assessment of Judge that government will be receptive of fresh perspectives when these do not challenge its own 'ideological certainties'. (Judge 1990).

Of the three respondent bodies, two believed the select committee had made no contribution to DOE thinking. The HBF believe the report on planning appeal issues influenced the Department but made no impact in Parliament or in the building industry. However all three were of the view that committee reports made an impact among environmentalists.

It was the direct experience of committee proceedings which produced the most critical comment from these witnesses. Humber (HBF) comments that MPs did not appear to understand the evidence, were more interested in 'short-term political goals', and the proceedings were too party-political in tone. (HBF 1989)

"Committees will not really be effective unless they learn from US congressional committees, eschew party dogma and acquire some research capacity" (HBF ibid)

In consequence the approach to taking part in select committee enquiries, in Humber's view, is to accept that the real audience is the DOE. Department officials will respond direct to the points made in committee by representative bodies on important points. This is perhaps an indication that the great national interest groups, who no longer have quite the same 'insider' status of the pre-1979 days are finding other means of communication not only with Government but with other agencies too. Contrary to Marsh's hypothesis quoted below, this witness avers:

"Select committee are not a mechanism for talking to others in the policy community. We have our own means of pursuing the debtate" (HBF)

Thus in both process and outcome, the participants whom we have characterised as having a direct self-interest, or who formally represent an economic interest, perceive the committee role as marginal. In terms of Nixon's view of committees as 'climate changers', or Marsh's proposition that they have the function of 'linking organized groups and departments of state more closely to the parliamentary system', it would appear that this group of witnesses take a

less sanguine view than the other groups examined here. (Nixon 1986; Marsh 1986) It may be significant that these bodies which were so powerful in the corporatist context of a decade earlier, have not yet come to terms with the style of 'executive leadership' which the Thatcher governments have exhibited .

The HBF comment on MPs bears directly on the discussion by Judge (1981), on the specialization and expertise of members of parliament. Judge draws the distinction between 'specialist knowledge', and the process of specializing in a policy area without necessarily being an expert; but a further distinction which emerges in this instance suggest that committee members who specialise in environmental issues may lack any understanding of the manufacturing, farming or construction problems faced by those industries also engaging with pollution issues.

The Pressure Groups

We have seen in the previous chapter an illustration of how specific pressure group recommendations fare in the select committee system, but in the underlying relationships which are forged, there is an element of ambivalence which Porritt makes explicit, and which illustrates the hesitation of some nationally-known issued-based bodies about entering whole-heartedly into the environment of the Westminster political system:

> "Friends of the Earth now contribute evidence to every single committee enquiry and we're getting to the stage where we have to be terribly, terribly careful. Because those committees are fierce, and rightly so. If you muck it up and get your facts wrong, or you turn out and you sound thin, it's very bad for the credibility of the organization". (Porritt 1988)

In contradiction Greenpeace, who on two occasions have had public quarrels with the Environment Committee over questionable evidence (Radioactive Waste), and leaked documents (Acid Rain), are pragmatic about their appearances:

> "Governments listen to us less and less, but if we can make a case at committee and register a detailed scientific basis for it, published in HMSO papers, then we are at least on the record in a way which we have not achieved before.."(Greenpeace

These insights suggest that the question of incorporation of interest groups is a two way issue. Those with an ideological case are wary of too close an identification with the political system they seek to influence in just the same way as committee members are about accepting their evidence. (See Rossi, quoted above)

Another nationally respected body, the Council for the Protection of Rural England (CPRE), indicate a different view of the relationship. Their experience suggests that there is a sense in which the select committee is scrutinising not only the Department, but the ideas of other groups within the policy community who are, in giving evidence, actually testing the credibility of their own views and ideas. The Chief Planning Officer of CPRE whose evidence is quoted in Chapter 20 comments:

> "Select committees offer the opportunity too, for organizations like CPRE to present a particular vision to independent scrutiny" (Bate op cit). "It (The Environment Committee report into Planning) provided a basis for further work by CPRE and a climate of opinion in which CPREs views are likely to flourish". (Bate op cit)

This is an example of Marsh's proposition that the process of giving evidence to committees in some way changes the

participant groups. It appears also to improve the group's own understanding of public policy issues.

Bate's response to specific questions on the influence his evidence brought to bear (see Appendix 3), suggests that it was significant, identifying five specific recommendations out of fourteen which CPRE put forward, that were reflected in the Committee's report. (HC 181 1985/6) The same recommendations appear in the government's response (Cm43) only on a 'moderate' level.

This witness also records the view that select committee investigations of this kind and in this mode, are an important element in the process of policy change and have assisted 'partially' in the growth of parliamentary interest in environmental issues.

Summary

This chapter has sought to elicit a qualitative dimension to the work of select committees, from the multiple viewpoints of those who have participated in the process. The impressionistic and practical judgements of people, ranging from the long-term participants, to those having a brief encounter, whether as expert witness or suppliants, advisers or voting members, bring a valuable insight to the evaluation process.

> It is significant that almost none are willing to discount the committee role in influencing policy. Whether from the perspective of a particular topic or as a spokesman for an on-going interest, or an adviser or expert witness, the responses to our questionnaires record a level of consistency which amounts to an impressive body of support for the role which back-bench parliamentarians are carving out... Even the more sceptical comments from representatives of capitalism recorded above are tempered by the knowledge that the style of executive leadership established by the Prime Minister will not afford better opportunities to exert influence. (Judge 1990)

The attempt in this chapter to bring together a small but diverse range of opinion from participant observers is designed to give depth and leaven to the quantitative assessment of earlier chapters. It is, in the end, the impressions and assessments of those who take part, however peripherally, in the drama of political action, which will determine the weight and significance that history places upon the committee process. At the very least it is a central piece of the jigsaw.

The explosion of interest, since 1987, in environmental dangers to the planet has meant that every agent, whether of capitalistic endeavour, of policy maker, of lobbyist or of state action must now be aware of, have an opinion about - or feel a responsibility for what he or she does and says, and in

that sense their assessments of perhaps brief and fleeting experience at the epicentre of power and decision-making, are a valid part of the attempt to assess what Nixon (op cit) terms the attempt to change the climate in which policy is made. Before going on to draw together these disparate viewpoints, and the quantitative assessment of the previous chapter, we turn in the next chapter to an examination of other kinds of re-active, repercussive and less obvious consequences of committee investigations which this project has exposed, and to a discussion of assessing their importance.

CHAPTER TWENTY-TWO

CONTINGENT RESPONSIVENESS TO COMMITTEE ACTIVITY

*

Introduction

The key question for most academic observers, and indeed for participants in the select committee process is: 'do they influence policy development?' and we have already seen from the major studies reviewed here, that the question remains open. (Nixon 1986; Marsh 1986; Drewry 1989) All suggest however that there is significant evidence to establish the affirmative case.

As Drewry's updated study comments:

> 'The short-term impact of committees - as crudely measured by governmental U-turns and ministerial climb-downs - was in this Parliament (save in cases rare as to underline the generality of the rule), as slight as it had been in 1979-83'.

But this is hardly to the point and he goes on to concede that committees are indeed significant and that the concept of success and failure in government is complex.

The multiplicity of ways in which committees influence policy and practice goes far wider than a narrow definition of 'government policy'. There is an interesting parallel to be

drawn between committee recommendations and those produced by the Central Policy Review Staff up to its abolition in 1983. In a study of CPRS reflecting on success and failure, by two of its leading participants, they say:

"Perhaps the most successful CPRS reports have been those that were rejected because they were 'ahead of their time'. The aim should be to put new items on the agenda and change the way people think inside and outside government. This is a slow and painful process. Most major proposals made by a body like CPRS sink like a stone at first and will then take at least two or three years to re-surface. When they do, sometimes disconcertingly modified, they will be claimed without attribution by other people". (Blackstone & Plowden 1980)

In this chapter we pursue that theme concentrating particularly on some of the unexpected ways in which committee activity has demonstrably influenced, changed or created policy and action; has had repercussion in unconventional or unanticipated ways - or has opened up potential for progress in terms not immediately measurable, but clearly to be put in the balance on the side of 'success'.

The 'Delayed Drop' Phenomenon

A number of witnesses and key actors in this discussion have referred to what is here termed the 'delayed drop'; in other words the tendency for recommendations of a committee to be rejected or ignored by Departments - or in one major instance referred to below - a nationalized producer - only to appear at some time in the future as policy or action. The extent to which the modification can be traced to the influence of the original committee recommendation is often minimal; the extent to which the committee argument stimulated the process of change may not be measurable; but it is too frequent an occurrence, and too often remarked, to ignore as a possible product of select committee influence.

Another aspect of the same phenomenon is the tendency for the select committee debate to stimulate change and development within the policy community irrespective of any action by government; for the practitioners to take on the colours, chameleon-like, of the committee report unilaterally. The stakeholding professionals responsible for practice and implementation may not wait for legislative change but by dint of debate and acceptance arising from committee recommendations, may roll forward policy within the sub-regional, inter-organizational networks in a way which pre-empts official departmental legitimation.

We discuss below some prime examples of these tendencies both from the Environmental reports discussed in chapters 10 to 19 and from other areas of policy.

(i) The Case of the FGD Retro-fit

One of the most important recommendations of the Environment Committee's report on Acid Rain (HC 446 1983/4) was that which addressed the need for the CEGB and industry to reduce the emission of SO2 and NOx by the retro-fitting of flu gas desulphurisation (FGD) equipment to power stations and plant. (See Appendix 1 p.20/21).

In its response in December 1984 the Government said: 'The inspectorates have judged that abatement is not possible because of ... the high costs involved. This would add some 5% to electricity bills ...

'The Government believes that there are good prospects that new and better combustion technologies will lead to reductions .... In these circumstances the Government does not intend to commit the country to expensive emission controls ...' (Cmd 9397)

In November 1985 the Minister of State for the Environment and the Parliamentary Under-Secretary for Energy appeared again before the committee to reiterate that policy.

However, in March 1986 the Minister, (Mr Waldegrave), announced that there would be a review of policy.

The CEGB, in submitting evidence to a new investigation on air pollution, undertaken by the Environment Committee, announced that it had in fact now, 'with a new scientific understanding', decided to launch a programme of FGD retrofit to the larger power stations. The cost would be £600 millions at 1986 prices - and the decision had been made in June 1986 - that is to say seven months after the Minister had told members there would be no policy change. (See CEGB evidence to the Committee: HC 270 1987/8 vol II p.53).

(ii) The Growth of UDCs

The Environment Committee's report on the Green Belt and Land for Housing (HC 275 1983/4) recommended the setting up of more Urban Development Corporations to ensure that if local authorities were slow to reclaim and bring derelict land into development, then these governmental agencies could do the job for them.

In its response (HC 635 and Hansard Vol 63. No 185. (Col 161) the Government said that it thought these bodies, which had been set up for London Docklands and for Merseyside, were 'the exception rather than

the rule', and it would be neither justifiable or practical to set up more. In fact by 1987 a further five UDCs had been established in major cities, and the Conservative manifesto for the 1987 election introduced a proposal for setting up non-elected private bodies, with similar powers, to take over inner city housing estates, and derelict land for refurbishment and onward sale.

Powers to create these bodies, with functions modelled on UDCs, were provided in the 1988 Housing Act, and six announced, named Housing Action Trusts (HATS), in January 1988.

(iii) Charges for Planning Appeals

Another important recommendation of HC 181 (1985/6) was that if developers pursued planning applications which were unreasonable and were refused by the Secretary of State on appeal, all the local authority's costs should be awarded against the appellant company. Similarly where an Authority refused consent on land where there was a presumption of development, the Authority should bear all the costs of a successful appeal.

The Minister's response was to uphold the view of the Council on Tribunals that costs should not be awarded

except where one of the parties had behaved unreasonably. (See Appendix I.P.4)

However, in 1987 the DoE introduced revised criteria (circular 2/87) and using powers under Sec 42 of the Housing and Planning Act 1986, has provided that costs can be recovered of the entire enquiry including administrative costs and Departmental overheads (S1 No. 1787 dated November 17th 1988).

Another recommendation, which CPRE put to the committee (rec 38), was that developers should not be allowed to hold appeals in abeyance without good reason. This proposal finally appeared in a Government consultation paper in 1989, four years on. (See 'Efficient Planning: a Consultation paper'. DoE 28th July 1989.

Action stimulated within the Policy Community

Instances of the recommendations of committees gaining an indifferent reception from the parent Department but creating profound and positive reactions from those policy stakeholders who are responsible for implementing policy are equally difficult to measure.

One such is the February 1989 report of the Environment Committee on Toxic Waste (HC22 1988/9) which had recommended the end of dumping toxic waste in the North Sea. Government's half-hearted endorsement of the sentiment (Cm 679 para 4.20) promised no immediate action. However, within four months of the committee report's publication, one of the largest UK chemical industries, ICI, announced the investment of £35 millions to eliminate the disposal into the North sea of its methyl methacrylate wastes (MMA) and to go for re-cycling instead.

The Committee Clerk to the Social Services Committee comments on a somewhat similar example arising from her committee's report on Community Care (HC13 1984/5) which had sought to establish a policy under-pinning for this initiative. 'Care in the Community' had constituted an important attempt to identify and define the limits and standards for implementing this action, but had been poorly received by DHSS. Irwin comments that the report nevertheless had proved invaluable to practitioners throughout the Health Service and had become a 'bible' for social workers and departments throughout the country. (Irwin 1988).

That these kinds of innovation happen is undoubted, and the examples discussed here are a small sample of those littered through the recent history of select committee activity. It is not without significance that all three specialist advisers interviewed in Ch. 21 indicated that longer-term unacknowledged policy changes probably took place. (See Table 21).
To find an explanation for them is more difficult; to fit them into any neat and clear-cut model of policy change, a risky enterprise: especially so where the ideological thrust of government is simple and direct.

Nevertheless they offer an insight into the way committee reports take on a meaning and importance outside the immediate policy debate and address a wider constituency than the House, the Minister, or the Department to whom they are addressed. These examples illustrate continuities within British political life which persist, often discreetly, in order to avoid what Deakin has termed the 'stigma of consensus'.

The explanation may lie in a closer understanding of the nature of alliances between agents within the system and the activities of those who, like the civil servant mentioned by Barrett below, utilise the work of select committees to pursue initiatives of

their own. Alliances are a particularly interesting area of development arising from the new select committee system. Those within the Whitehall environment seeking change or opposing vested interests may encounter road blocks thrown up by those interests and reach out for collaborations which will keep their proposal alive or supply crucial additional arguments. Those whom Deakin terms 'policy entrepreneurs' will cultivate sympathetic bureaucrats or quango technocrats much as those on the outside have traditionally sought to do. (Deakin 1986 op.cit) Select committees and their investigations represent so far understated opportunities for such alliances in a pluralist democracy, and indeed may be at the root of the phenomenon of policy change via the 'delayed drop'.

Committee Enquiry as the Spur to Action?

One of the less obvious aspects of the ambivalent relationship between a select committee and the department it monitors is the tendency, referred to by more than one key participant in this thesis, for departmental officers to anticipate the investigation, once announced, or for Ministers to pre-empt a Committee report by early announcement of new policy.

We have seen (Chapter 17) the Department of the Environment producing a consultative paper on water privatisation just as the Environment Committee had got its Enquiry into the pollution of rivers and estuaries under way. Both Rossi and Gren refer to the increase in activity which is noticeable within the appropriate section of DoE once a new investigation is announced. (Rossi 1987) (Gren 1987) op cit. Similarly Barrett has observed the tendency for the good departmental civil servant to welcome select committee investigations on the grounds that it will allow him/her to press issues which had failed to get support earlier, or to argue for innovation 'on the back of the committee report'. (Barrett 1989)

How far can this phenomenon of committee as 'spur to endeavour' within departments be quantified? For the purposes of this thesis an output monitoring exercise was devised, based upon the output/activity of one section of DoE, that dealing with waste management policy, before and during the Environment

Committee enquiry into Toxic Waste, undertaken between May 1988 and January 1989 (HC22 1988/9).

In the five and a half years between 1983 and the announcement of the Committee's enquiry, the policy output, measured in terms of published advice, legislative proposals and consultative papers issued by the Waste Management unit of the DoE, amounted to six items: i.e: one per annum. (See table 22 below). In the ten months from the start to the completion of the enquiry, the same unit issued ten items: i.e. one per month. (See table 22).
This disparity indicates at the very least a marked upsurge of activity once the enquiry was launched and perhaps an attempt to anticipate the highly critical tone of the committee's subsequent report, which said:

> 'never, in any of our enquiries into environmental problems have we experienced such consistent and universal criticism of existing legislation and of central and local government as we have during this inquiry'. (HC22 1988/9 p.xi)

The committee chairman, Sir Hugh Rossi, confirms the impression that the investigation was a spur to action:

> 'Our progress over a period of ten months was marked by regular announcements of new Government initiatives or the issue of consultative documents and the thrust of our

Table 22

Policy Output: DoE Waste Management Unit
a) 1983/7 b) May 1988 - March 1989

a) The six years 1983 - 1987	
i: Waste Management Papers	
Waste Management Paper 25 - Clinical Wastes	1983
Waste Management Paper 24 - Cadmium Bearing Waste	1984
Waste Management Paper 8 - Heat Treatment Cyanide Wastes (2nd Edition)	1985
Waste Management Paper 26 - Landfilling Wastes	1986
ii: Major Consultation Papers/Draft Legislation	
Waste Disposal Law Amendments Consultation paper	Sept 1986
iii: Legislation	
Control of Pollution (Landed Ships Waste) Regulation	Mar 1987
b) The Ten Months May 1988 - March 1989	
i: Waste Management Papers	
Waste Management Paper 24 (Revised)	Oct 1988
Waste Management Paper 27	Jan 1989
ii: Major Consultation Papers/Draft Legislation	
Waste Disposal Law Amendments: Conclusions	June 1988
Waste Disposal Law Amendments: Follow-up consultation paper	Nov 1988
Integrated Pollution Control: A Consultation Paper	July 1988
Role & Function of WDAs: A Consultation Paper	Jan 1989
iii: Legislation	
Transfrontier Shipment of Waste Regulation	June 1988
The Collection & Disposal of Waste Regulations	May 1988
The Control of Pollution (Special Waste) (Amendment) Regulations	Oct 1988
The Control of Pollution (Landed Ships Waste) (Amendment) Regulations	Feb 1989

examination of witnesses became clear. If we achieved nothing else we at least stimulated departmental action'. (Rossi 1989)

There is no obvious other reason for this upsurge of activity, no demands from the EEC, no new parliamentary or electoral programme - indeed the legislation demanding special waste disposal authority management plans, was 14 years old.

One committee witness characterised the production of the consultation paper on the role of WDFAs (Jan 1989), on the day before the Minister was due to give evidence as 'provocative':

"The production of such an important consultation paper leaving the committee very little chance to read it before the Minister gave evidence could be accounted as either an outrageous piece of cheek, or as a move of such finesse that Machiavelli must have revolved, giggling in his grave ...' (Hawkins 1989)

This evidence, whilst perhaps illustrating an extreme and quantifiable example of departmental activity in response to committee investigative enterprise, is mirrored in many of the accounts of other investigations in Chapters 10 - 19 above, especially those conducted in challenging mode.

For example, reference to the DOE publications catalogues show that items on Radioactive Waste increased over 1000% in the period of the select committee investigation:

1982/3	1983/4	1984/5	1985/6
6	6	61	7

The Committee investigation was announced in 1984 and published in January 1986 (HC 191 1985/6)

Grant's evidence cited in chapter 21 suggests a similar, but more collaborative upsurge in administrative output in the Planning sphere during the conduct of the HC 181 Inquiry.

Raising the Profile

The power of select committees to draw attention to a topic or to raise its profile in political terms, deserves attention. It will be recalled that Porritt, for example, comments that the first indication of an awareness of 'green' issues within the Tory party dates from the time that the Environment Committee took up the acid rain issue in 1984. (HC 446) How far can this be verified or quantified and is it true of other issues and other kinds of committee?

Acid rain, a relatively unfamiliar term in the early 1980s, had been identified by scientists but had not been widely understood outside the European Community environment lobby and the campaigning literature of conservationists and ecologists. As a political issue it did not exist until four parliamentary events occurred in 1984:

- May 1984 — The Environment Committee opened an enquiry into Acid Rain and took public evidence in weekly sessions until July.

8th June 1984 — A House of Commons debate took place upon an EEC Directive on emissions from power stations.

- Dec 1984 The Government's response to the Acid Rain report was published.

11th Jan 1985 House of Commons debate on the Environment Committee report.

It is on the floor of the House that the political profile of an issue is truly established and fig.21 charts the growth of the subject of acid rain, expressed in terms of debates, parliamentary questions and ministerial statements. By charting the number of these mentions in each parliamentary session before, during and after the select committee report and the Government's response, it is possible to illustrate the increase in profile of this topic in relation to the period of the committee enquiry and report, and the two debates which took place.

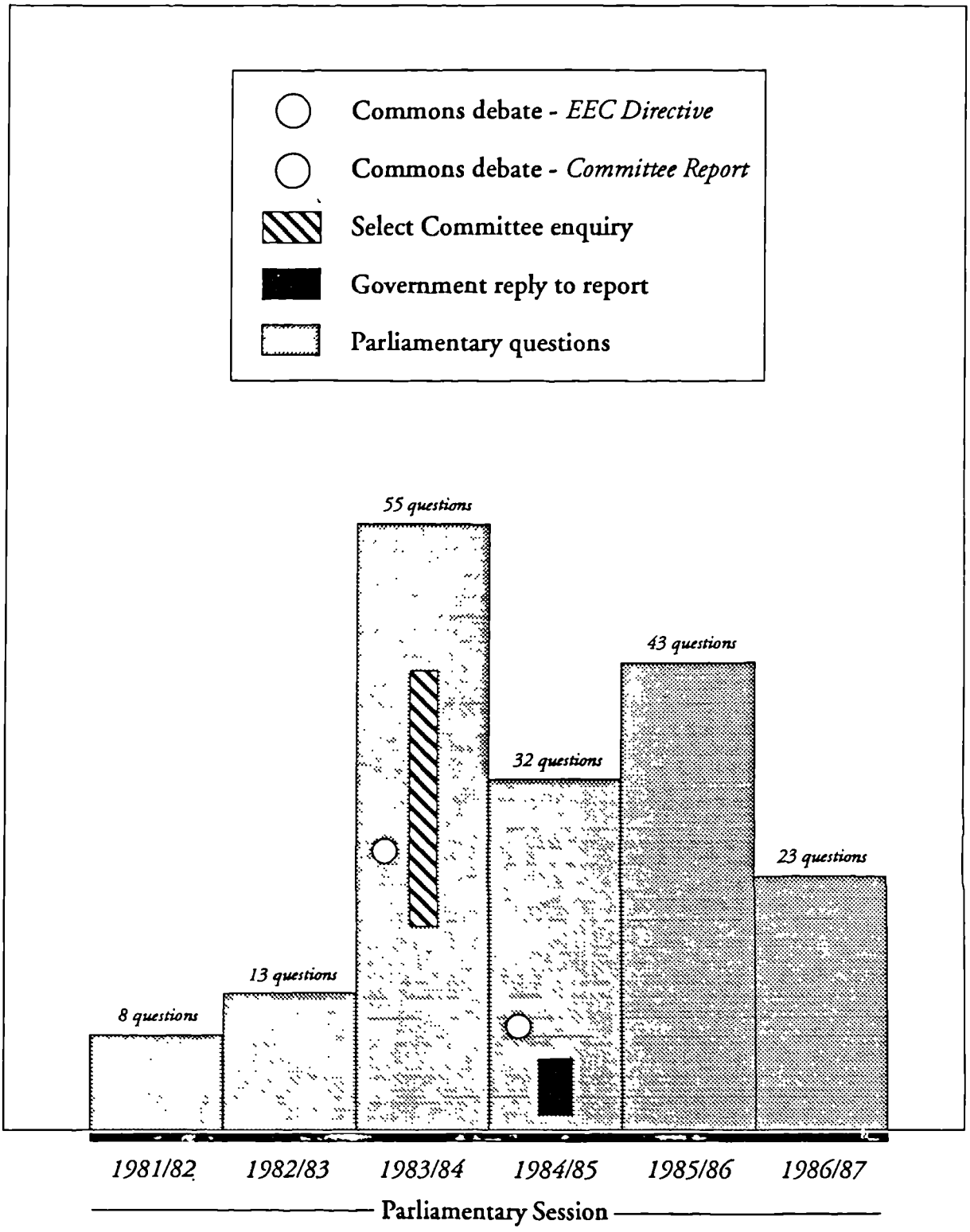
It is not possible to establish absolute cause and effect, and indeed the interest among European governments in acid rain, and the early campaigns of the environmental pressure groups may have been contributory factors. However an analysis of the parliamentary questions asked and the Members asking them does suggest that there is a direct relationship between the activities on the committee corridor and those in the chamber.

The ability of select committees to get topics debated in the House during the parliament of 1983/7 was significantly better

FIGURE No.21

ACID RAIN

PARLIAMENTARY QUESTIONS PRIOR TO AND AFTER THE SELECT COMMITTEE INVESTIGATION - *BY SESSION*



than in their first term (1979/83). In addition to the three Estimates days set aside for Committee reports, (topics chosen by the Liaison Committee), there were adjournment debates, Government motions, opposition day debates and second reading debates during which committee reports were introduced. The Environment Committee achieved eight debates, as follows:

4 Jul 1984	Department of Environment main estimates (HC 414)
	PSA main estimates (HC 444)
11 Jan 1985	Acid Rain report (HC 446)
11 Jul 1985	Department of Environment main estimates (HC 414)
	PSA main estimates (HC 415)
13 May 1986	Radioactive Waste report (HC 191)
24 Jun 1986	Department of Environment main estimates (HC 341)
	PSA main estimates (HC 356)

The number of other departmental select committee reports

debated on the floor of the House, or at least reaching the order paper in the 1983/7 parliament are as follows:

Agriculture	0	Energy	4	Scottish Affairs	0	Transport	2
Defence	7	Foreign Affairs	6	Social Services	4	Treas & CS	15
Education & Science	1	Home Affairs	0	T & I	4	Welsh Affairs	0
Employment	5						

A conduit for Europe

When Mr Stanley Clinton Davis, the EEC Commissioner gave evidence to the Environment Committee's investigation into Toxic Waste (HC 22 1988/9), the chairman remarked that it was an historic occasion, since it was the first time that the Commission had submitted itself to interrogation by a national parliament.

Whilst this is not strictly true it was a novel event for Westminster and perhaps it would be more to the point to say that it was the first occasion when the European Community had been able to put its policies, plans and legislative strategy directly to members of the British Parliament, seeking to gain backbench support for measures which in some cases the executive had been distinctly lukewarm about adopting.

The formal platforms for the British Parliament to consider EEC measures are embodied in the terms of reference of two committees: the House of Commons Select Committee on European Legislation and the House of Lords Select Committee on the European Communities. The Commons Committee, comprising 16 members produces large numbers of reports each year (see Table 23 below), but does little more than list the draft directives, draft regulations, amendments and other instruments coming out of Brussels, indicating which, in their opinion are politically or legally important enough to be considered by the House. At any one time up to 200 such instruments recommended for further

consideration will be outstanding; some for eight or more years. (HC 22 vol xx - 1986/7 p.xiii). The practical difficulties inherent in this task have been discussed fully in Ryle & Richards (op cit).

The Lords select committee operates through a number of sub-committees and is, in the view of Hayward and Norton (op cit), an authoritative and effective scrutineer of European measures, proving more effective than its Commons counterpart. Its reports are substantial and examine single issues in depth, frequently summoning witnesses from the ranks of Commission officials. (See Table 23).

Table 23: Reports to Parliament by Commons & Lords select committees on European legislation.

Session	Commons s/c	Lords s/c
1983/4	35	27
1984/5	31	16
1985/6	29	24
1986/7	20	9
1987/8	39	22

The minor historic incident above, which happened after the period of this thesis' concern, is however an example of the ability of departmentally-based scrutiny committees to open up a quite different window on to Westminster/Whitehall processes, for the benefit of European politicians and policy-makers, both within and outside the EEC, and quite outside the formal intercourse of national governments.

If the transportation and disposal of toxic waste is a trans-frontier problem, then in every respect the 1984 Enquiry into acid rain was the fore-runner of all the later examples of the need for closer international co-operation on continental pollution issues. It was that report (vide Porritt, op cit), which focussed public attention on the inter-dependence of nations in seeking solutions, both political and technical, to the global threat.

After publication of the Acid Rain report (HC446 1983/4) a number of politicians from Norway, West Germany and the EEC wrote detailed responses, supporting the select committee and regretting that the UK government has not felt able to support the important recommendation to join the '30% club' (see Chapter 11). These interventions were subsequently published in a follow-up report (HC51 1985/6), suggesting new avenues for collaboration and alliances between back bench scrutiny bodies and other national parliaments, many of whom see

themselves as victims of exported British pollution.

As such it is an illustration of the power of committees to create linkages which may not be of major significance, or quantifiable, but clearly add a qualitative underpinning to the argument for committee influence on environmental policy development, bringing to issues which are so often trans-national in context, an ability for other national parliamentarians to join the debate within Westminster. If the issue is international, then so is the debate.

Alliances across national frontiers, between parliamentarians postulate an exciting potential not exploited in the intervening years.

Summary

The general approach to Part IV has been to assume that the search for 'success' would be more thorough if supported by data from differing sources and from a triangulation of research methods. The quantitative approach, assisted by a matrix of key elements, has been tested to its limits and has been enriched by the techniques of pluralist evaluation and by formal and informal interviews. Richness and variety has been maximised, even at the expense of some 'rigour'.

The debate about quantitative versus qualitative data collection has, in a sense, been proved artificial since this thesis is at pains to make clear that an understanding of the effectiveness of select committee activity relies both on precise numerical data and on intuitive and interpretive insights of those involved.

It has been possible to demonstrate, for example, that even in those investigations conducted in a 'challenging' mode, in which the apparent level of success is lowest, subsequent actions and later policy changes - such as those described in Chapter 22 - seem to demonstrate that committee influence is a far more subtle phenomenon than any quantitative count of recommendations would imply.

In the final part of the thesis we examine further theoretical dimensions and reflect upon the case studies and research findings and their implications for the future of select

committees. The robustness of the matrix approach is tested upon the work of other committees and other policy arenas. We look at the wider constitutional framework of scrutiny of the Executive and make some tentative judgements both about the importance of the system and the directions it must take to increase the effectiveness of its role.

PART FIVE

Reflections on Committee Performance and an appreciation of the future role of Departmental Select Committees

CHAPTER TWENTY THREE

THE LIMITS OF COMMITTEE INFLUENCE

*

Introduction

The purpose of this last section of the thesis is to reflect, not only on current success and failure but to examine the practical and theoretical implications which must be understood if the committee system is to develop a more substantial role: we also discuss whether the matrix approach has a plausibility on a wider canvas than has been considered so far.

The attempt to prise open the sealed boxes of the parliamentary system and to look at one aspect of the making of public policy, has further illuminated the complex nature of the whole process. In looking at the role of select committees we can demonstrate the futility of relying upon one structure of policy-making as the ideal to be aimed at. We may agree with Dror that because there are so many barriers in the way of *rational policy-making*, we have reached the limits both of rational and incremental debates; and to paraphrase Dror, have sought to find balances between information and intuition, guess and estimate, measurement and impression. (Dror 1973 p158)

The making of public policy - and in this case the 'greening' of public policy - is certainly no field of study for those with a low tolerance for ambiguity. The policy-making system is, to

quote Dror again, only a sub-system of society and interacts constantly with culture, public opinion, social groups, economic, religious and all other institutions, all components of society.

The case has been made that the select committee is a mechanism for achieving that interaction; a multi-dimensional instrument for evaluating and improving real policy making. It is located firmly in the pluralist framework and should be recognised for its dependable capability for analysis, diagnosis and critique - and for the near-centrality of its siting within the democratic functioning of a free parliament. Ironically, the select committee may be most necessary when strains on that freedom are greatest.

How then can its role be strengthened, its influence be under-pinned; how can its place in the constitutional framework of government be established without equivocation?

Perhaps a key point of this study of select committees and environment policy is that committees have been gathering facts, scrutinizing actions, criticizing and advising departments largely in areas where policy has been in flux; where new scientific problems and new technical advances have been emerging. The frontiers of knowledge about radioactive waste, about pollution of the oceans, and the destruction of the 'ozone' layer, have been advancing faster than policy can be made, and select committees - especially the Environment Committee - have been at the leading edge of these debates. Indeed it would be

true to say that without the platform of an Environment Committee investigation such as that into radioactive waste, many of the issues would not have been raised at all in the context of Westminster policy making. (Patterson op cit) In these scientific/technical topics especially, the contribution of committee reports in informing MPs and in the formation of policy, rather than the ex post-facto scrutiny of existing policy has been demonstrably present, whether acknowledged or not. (See Chapter 22)

It is this role in policy formulation which Marsh's 1986 study was advocating but was unable to find, when he argued that committees should act as "independent agents in a more plural policy-making structure". (Marsh 1986 p.64)

There is a contrast between the undoubted growth of expertise in the surveillance of the Executive under the committee system, and the increasingly authoritarian Conservative administration, which McAuslan has suggested represents a "gallop towards elective dictatorship". (McAuslan 1989) This contradiction provides the essential abrasiveness which we must understand more clearly, and examine for a wider application than has been possible in this thesis. "When committees bite, Ministers increasingly feel the need to bark back" said a recent commentator, and we shall trace the growth of that tendency well beyond the boundaries of environmental concerns. (Wintour 1988)

The parliamentary critics who opposed the new system in 1978 were

worried that committees would diminish the essential clash of political debate on the floor of the House and would somehow sully the purity of ideological struggle, with concensus politics. We need to look, a decade on, at that prediction.

There is a sense in which the impetus for the select committee system derived from the failure of the 1970s devolution debate. And now, the Labour opposition's renewed interest in devolution and regionalism, as an antidote to elective dictatorship is just one strand of the argument for changes in institutional and administrative arrangements that commentators are urging upon the legislature. These arguments are examined in the following pages for the role which select committees might play - with particular reference to the closer links with the EEC and the need to find more efficient means of scrutinising Community legislation. This discussion leads to the need for further theoretical under-pinning and an examination of the link between committees and what Rhodes has called 'sub-central governments' and Westminster policy-makers.

The concept of the Select Committee as agent for linking organised and often conflicting interests, to departments of State and tabling their concerns in a public and accountable way, described in earlier chapters, is significant because the process requires that both department and lobbyists examine the issues from the perspective defined by the Committee. (Judge 1990) This role is perhaps not so much to do with the process of parliament,

as with the creation of informed public debate based on a wider canvas than either the Executive or the interest groups would separately allow.

Chapter 25 is concerned to examine possible futures for the select committee system. If it is indeed, the strongest constitutional mechanism for scrutiny and the best hope for exercising a more rigorous oversight of the executive, what more needs to be done to achieve what a leading authority has described as:-

> "the unlimited character of the claim for information, a fundamental parliamentary right of the highest importance .... which, both constitutionally and practically is a condition precedent to all efficient parliamentary government"
> (Redlich & Ilbert (1908 Vol II p.40)

The same authority added that the powers both as exercised by the house and its select committees are circumscribed by "qualifications, apparent contradictions and lack of opportunity to exercise the powers which undoubtedly exist". We need to examine the extent to which the current committee system has leapt these hurdles or can be equipped so to do.

A Taxonomy of Influence

The spectacular explosion of interest in environmental pollution, especially in acid rain, the depletion of the 'ozone layer', poisonous waste and the greenhouse effect, has been given added impetus by a number of well-publicised events. In the summer of 1988 an Italian freighter spent months attempting to offload a cargo of toxic waste from Nigeria, only to be turned away by many European port authorities. An epidemic of viral illness killed thousands of grey seals around the coasts of Europe and was said to be the result of pollution of the North Sea.

Scientists predicted that further depletion of the ozone layer in the atmosphere would result in widespread skin cancers in the human population in the 21st Century. (Jones 1988)

In the same year the Prime Minister made a series of speeches both at home, and in Europe, pledging government action and a new emphasis for policy. In two by-elections at Govan and Epping these 'green' issues were given high priority in the manifestos of all major candidates.

To what extent then can it be argued that the work of select committees has contributed to this growth of public interest and the arrival of the environment on the policy agenda? The major reports discussed in Chapters 10/19 of this thesis, together with four more produced during the first two sessions of the 1987/92

parliament, had, over a concentrated period of six years, comprised an authoritative body of scientific fact and technologically advanced knowledge, a comprehensive lexicon of current understanding.

This persistent, long-term attention paid by the Environment Committee in particular, to pollution and conservation issues was in some measure the cause of the Prime Minister's emphasis on environmental concerns in the 1988 series of speeches, which culminated, in the Autumn in an address to the Conservative Party conference of that year, in which she said:

> "We are not merely Friends of the Earth, we are its guardians and trustees. No generation has a freehold on this earth. All we have is a life tenancy - with a full repairing lease. This government intends to meet the terms of that lease in full." (Thatcher 1988)

Despite some cynicism among commentators as to the genuineness of this conversion, it can be traced in some detail, to the series of reports and their successors, referred to above. Each of them brings to bear the most recent scientific evidence and research results, thoroughly explicated, combining the views of independent experts, pressure groups and industry - as well as international opinion. They amount, in sum, to a remarkable augmentation, if not to the 'greening' of public policy, then to explicit prime ministerial support for a general policy emphasis, which no one constituent in the process would have achieved.

Is this, as some observers would say, simply a phase in policy fashion, a convenient, populist bandwagon with which to deflect more difficult issues or capture an initiative from opponents? If so, then it may be no different from many other policy development thrusts and will have the benefit of considered, authoritative and comprehensive compilations from the select committees.

It is necessary now to itemise in detail, the nature of the influence which is brought to bear in this way; to construct a 'taxonomy of influence', based on the evidence and the case studies accumulated in the previous pages and from what occurred subsequently. By its nature such influence is often ambiguous, sometimes minor or takes some time to emerge. It is not always acknowledged and may occur in the deepest recesses of the administrative machinery or the political system. This taxonomy is confined to the evidence adduced from monitoring the work of committees dealing with environmental policy issues, and does not attempt to capture the work of other policy areas or select committees. However, some attempt will be made in later pages, to consider the application of this concept to other areas of work.

A TAXONOMY OF INFLUENCE

Political Context	The Select Committee's Influence	Examples
The loophole in existing legislation	The committee investigation exposes the weaknesses in recent measures, showing that it has not covered all aspects of an issue or has been capable of being misused or avoided. The committee supports amending legislation.	HC 6 1984/5 HC 222 1988/9
New concerns brought to the attention of the House	Topics of a new, emergency or novel character such as 'acid rain' and 'ozone layer' on which action or new legislation is called for, are tabled in the House for the first time in substantive form.	HC 446 1983/4 HC 51 1985/6 CH:
Inadequacies of performance	The committee investigation exposes poor performance by a department or Quango, demonstrating that it is not fulfilling a legislative undertaking; or an Act designed to achieve a particular end is palpably not doing so; or an implementation programme is falling short of reasonable performance targets.	HC 101 1985/6 HC 414 1984/5 HC 562 1988/9
Administrative decision-making	The committee's scrutiny of actions, circulars and other administrative devices from Departments produces new or improved procedures or a review of current practice. The committee exposes uncertainty or lack of clarity of administrative policy for the benefit of the policy community.	HC 275 1983/4 HC 414 1984/5
Eliciting Facts, Forecasts, Projections from Departments	The committee questions senior officials and Ministers on the basis for their policy and action, testing their predictions, sharpening their assessments and examining the basis for legislative proposals by Ministers.	HC 446 1983/4 HC 101 1985/6 HC 191 1985/6
Conflicts of policy	The committee investigation exposes conflicts between one Department and another; conflicting policy objectives and contradictions in approach to issues.	HC 640 1983/4 HC 101 1985/6
Incorporating the Quango	A collaborative approach between the committee and public utility or official body, produces a change in government policy or better resourcing for the benefit of the body concerned. The Quango uses a committee Inquiry to effect improvements in its funding, operating or status.	HC 146 1986/7 HC 446 1983/4
Updating available knowledge	In areas of rapidly advancing technology, the committee investigation provides a 'state-of-the-art' lexicon of scientific knowledge; challenges the supremacy of the Department's scientists; establishes the limits of current research data.	HC 191 1985/6
Influencing the Policy Community	Committee reports, not always well received by Government, may have significant impact upon others in the policy community, modifying practice of other actors and achieving a 'contextual shift' in the policy debate.	Chapter 20
Establishing new coalitions	The committee, acting as conduit for multiple interests, assists in establishing new collaborations or alliances between key actors both within and outside the parliamentary system, of a kind which did not exist before.	Chapter 20
Exposing interests	The committee process tends to ensure that the case being put by self-interest groups and lobbyists - especially those traditionally termed 'insider' groups, is exposed to the analysis of others, and especially to that of the 'outsiders' and issue-based lobby. The close relationships between industry and the official agencies such as Nirex or CEGB is exposed to public scrutiny.	HC 446 1983/4 HC 191 1985/6 Chapter 20

Political Context	The Select Committee's Influence	Examples
Mediation of interests	The investigative process can allow the Committee to achieve some mediation between the interests of the self-interest groups and the ideological pressure groups.	Chapter 21
A bridge to Europe	The invitation by select committees to foreign governments and to the European Commission to give evidence, to comment on reports - and the committee's visits to polluted sites abroad, opens up channels of communication and creates linkages which enable other powers to put legislative strategies and policy plans directly to backbench opinion, despite the resistance of the British government.	Chapter 22 HC 51 1983/4 HC 22 1988/9
Raising the profile of issues	The fact of an aggressively-argued report registers an issue in the minds of MPs, the press and ministers, producing an increase in parliamentary questions, adjournment debates and ministerial comments.	Chapter 22 HC 446 1983/4 HC 6 1984/5 HC 191 1985/6
Assisting Parliamentary specialisms	The persistent, long-term investigative activity of a committee such as that of the Environment Committee over three Parliaments, into environmental pollution, creates a body of expertise and backbench knowledge that ensures informed debate, incisive committee scrutiny of Bills and sharper debates on the floor, than would otherwise be possible.	Chapter 10 to 19
The spur to action	The attention of select committees produces action within departments, longer-term policy change, greater efficiency within Quangos and in industry and opportunities for 'policy-entrepreneurs' within the civil service, to promote policy development.	Chapter 22 HC 22 1988/9
Unacknowledged policy change	Many instances have been cited of committee recommendations being rejected in government replies to reports, but with the appropriate policy change or action occurring subsequently without acknowledgement.	Chapter 22
Interest Group accommodation	The Committee performs the function of facilitating interest group accommodation and access, especially in the context where the Executive reduces its corporatist relationships (vide: Marsh 1988)	Chapter 22

The taxonomy contains the specific kinds of influence of which examples abound in this thesis but they should be supplemented by the discernible and increasing stature which committees command among Ministers and departments, in the media and among those who seek to influence the actions of government.

Committees have become a magnet for 'parliamentary consultants' and lobbyists of all kinds; Rush suggests that this is because they are in control of their agenda; perhaps also because they, too, have the potential to set the political/policy agenda. They have the ability, through their reports to place information and advice on the public record in a form which carried the full legitimation of the House of Commons imprimatur. (Rush 1989: Grantham 1989)

It remains true, as Drewry concludes, that the more exaggerated claims for select committee influence cannot be demonstrated in this taxonomy and that scrutiny and exposure rather than government or policy-making are their real achievement. But Drewry also concedes that committees have grown in maturity since 1979/81. (Drewry 1989 p.426) This thesis demonstrates that the boundary between scrutiny and policy change is by no means clear-cut. Much of the evidence here shows the contrary.

Departmentally-linked committees have greatly extended their role in their first ten years. They have begun to scrutinise largely policy issues and the relationships with Secretaries of State are developing ones. In the view of one 'insider', most ministers

have tended increasingly to ensure that they carry the committee along with them and consequently committees have increased their influence with departments; they now acquire a good deal more information, both official and unofficial, than in the past. (Cooper 1987)

Whilst committees then have not been a major force either of challenge to Executive actions or of alternative policy-making they were never intended to be. As the above taxonomy demonstrates their impact is quite other. However they have accepted the challenging role in a series of high-profile public disputes such as the Westland Helicopter affair, the salmonella in eggs scare and the financing of the National Health Service, two of which involved the resignation of Ministers. Whilst the immediate challenge to government in these incidents was fought out in robust exchanges on the floor of the House, it was in the committee inquisition that the more painstaking sifting of issues was undertaken. In the highly-charged atmosphere of a censure debate it is easy for ministers to ride challenges, avoid questions and meet charge with counter-charge. Party discipline will ensure that votes are marshalled and government wins the day. It is all over in a few hours.

The real and lasting embarrassments to Executive high-handedness or cabinet disarray come with the 'all-party' investigation; the detailed questionning of fact and motive, the more persistent media attention, the incremental revelations of the combatants - and even the refusal of government witnesses to appear - all go

to make the discomfiture of a minister in major political 'rows' of this kind, more likely to be inflicted in a select committee than by the opposition front bench - and do more for the cause of open government.

Indeed, an active participant in the Defence Committee investigation into Westland Helicopters has recorded the view that it convinced the electronic media in particular of the news value of committees, but more important, 'boosted their place in the constitutional firmament'. (Gilbert 1987) Drewry also believes this incident was a psychological landmark in the evolution of the committee system. (Drewry op.cit)

And yet, for all the drama and impact which was created - most of it a long way from the Environment Committee - it can be argued that there were less spectacular but more important achievements. For example the report which reviewed the options for replacing Polaris with a new strategic nuclear weapons system remains the best publicly-documented procurement ever made into nuclear weaponry. (HC 36 1980/81)

It will be necessary to return to the 'constitutional firmament' in later pages, to reflect upon the role of select committees in a constitutional context and to consider what functions they might perform, but in the next section we examine, in retrospect, the case made by the opponents of the system, giving an opportunity to review the validity of the research method and the

matrix approach utilized in this thesis.

The Critics Re-assessed

When the new select committee system was set up there had been a minority of members opposed to the very concept and their case is outlined in Chapter One above. It is now necessary to consider how far their case was made and whether their predictions were valid.

The principal objections were threefold: that all-party committees undermine the party structure of democratic parliaments; that the removal of issues from the floor of the House to less public committee rooms diminishes true debate, muting the clash of ideological argument and threatening the age-old rights of access of individual members to challenge, criticise and intervene on the great debating floor of the nation; that committees would tend to consensus, to specialization of members and to the exclusion of minority party members.

It was perhaps Michael Foot and Enoch Powell who epitomized the opposition to the 1976 Procedure Committee proposals. (See Chapter 1: p.25). They feared that the removal of issues from the free gladiatorial confrontation on the floor of the House would diminish parliament; that the right of access to the chamber of every backbencher must be protected at all costs. There is no evidence that in the Environment Committee or in

wider environmental policy, the House has been deprived of important debates; indeed the evidence adduced here suggests that when important new issues like acid rain pollution arise, they do get debated and raised more frequently as a result of committee interest. (See fig.21.p.411) The fact of select committee enquiries has assisted by firstly, increasing members knowledge of the issues at stake and secondly, having elicited beforehand considerable information on the Minister's attitude and policy stance.

On sharply ideological and party controversy such as the major debates on Westland Helicopters and NHS funding, the appropriate select committees have followed up the debate in the Chamber with more detailed inquisitions of both policitians and their advisers. In fact, the process allows more, rather than less access to backbenchers in that it is seldom that a major set-piece debate will allow of back-bench challenges to Ministers, whereas in the committee room there can be direct, persistent inquisition dwelling on facts, and access to civil servants and advisers.

The objection (by Dennis Skinner), that committees would tend toward 'sloppy consensus', and offer no role for minority parties, is more difficult to answer. There is little doubt that committees are most effective when they are unanimous. Indeed Rossi has made a virtue of avoiding the big party-political topics. The minor parties have played little part in the

process, although the contribution of David Alton (Liberal), in the major environmental investigations was important. (See Chapters 11 & 15) His attempts to modify some recommendations were single-minded.

The question is whether 'consensus' must necessarily be 'sloppy'. The witnesses to this research clearly argue the contrary. To be able to label a report as 'all-party' gives it a cachèt and a degree of legitimacy in the media and in the policy community which partisan or party-sponsored documents do not achieve. The very strength of the select committee reports and the increasing stature they can claim comes partly from this fact.

Kaufman's fear that select committees would produce 'too much specialisation' among members (see page 26) can be examined in the light of the environmental issues traced here. It is evident that a number of members have become knowledgeable as a result of the investigations charted in chapters 10/19. Of those responding to the questionnaire half indicated an intention of pursuing these issues in the future. Their contributions to debates in the House, to constituency environmental issues and to interaction with interest groups has, in the view of those responding to the survey reported in chapter 21 p.356 been directly related to their committee experience. It is difficult to assess whether too much specialisation is possible in these circumstances, but in responding to an adjournment debate on acid

rain (28th October 1988), the junior Minister commented on "the extremely important contribution of select committee members in clarifying the issues and moving the debate forward...". (Hansard Col:578 28/10/88)

Fears of a different order, based on an assessment of the select committee output between 1979 and 1988 were expressed by the Professor of Government at LSE in 'The Times' in November 1989. (Jones 1989). Jones asserts that committees are an irritating nuisance to Ministers, that their terms of reference are too wide and that they have involved themselves in policy issues. He complains that the method of operation of committeès is not conducive to balanced policy analysis, that they have encouraged the growth of lobbyists and of sectional interests, and display a centralising tendency.-

These criticisms were unsupported by argument or illustration and do not allow of a detailed analysis in the light of the environment issues examined in this thesis.

However, more than one of the witnesses contributing to this thesis has indicated that being a nuisance to Ministers is a prime motivation for their involvement. Nevertheless the evidence (Fig 17 p310) does show that by adopting a challenging mode, committees produce less immediate acceptance of recommendations.

Professor Jones was subsequently invited to give evidence to the Procedure Committee which undertook its own evaluation of the new committee system at the end of its first decade. (HC 19 1989/90) In later pages we examine the outcome of this internal review of effectiveness and the House's own estimate of its successes and failures, relating them to the evidence collected here, but first, the next section is concerned to take the matrix approach adopted for this research, and to ask whether the principles of that approach, as a measuring device, have wider application than the area of environment policy undertaken here.

The Matrix Approach: Application to other Policy Areas

The matrix approach to measuring committee effectiveness, set out in chapter 20 has been tested on the reports in the environmental field of policy development. This section - examines whether the salience of the technique has a broader application to other policy areas or to committees involved in quite different ranges of concern, and whether attempts by other select committees to evaluate their own performance have anything to teach the academic researcher.

As Drewry has commented, effectiveness has varied enormously from committee to committee. Many have remained on the sidelines of Government. (Drewry 1989 p.426) But it is possible to argue that he is too restrained in suggesting that select committees "must remain only in the business of scrutiny and exposure". (Ibid) In the policy area under review here we have seen direct policy change, legislative refinement and administrative modification. Is it not possible that in developing the "increasingly significant" role which Drewry acknowledges for other committees, he might find similar examples in other policy areas?

At least two other select committees have given attention to the problems of assessing how far their recommendations have been taken up or have influenced government thinking - and a third has taken a quite different approach to attempting to influence government legislation.

a. Trade and Industry

In February 1988 the Trade and Industry committee published a report which set out the fate of all the recommendations of its reports since 1980/1. (HC 343 1987/8) It covered nine separate investigations, comprising 78 recommendations in all; each recommendation was followed by the Government's reply and the current position, together with a background note of the context. It shows that a substantial number of recommendations had been accepted, noted or at least welcomed, but as an approach to objective monitoring is perhaps flawed in that it relies entirely upon the Department of Trade and Industry's own assessment, and their account of what progress or change had occurred subsequently. Even in the somewhat limited context of the fate of specific recommendations, it is less than adequate to rely on the department being monitored for an account of the impact made. Whilst it is reassuring to have the view of the department being monitored, this report would have carried more conviction if other actors had contributed to a rounded view of outcomes. Essentially HC 343 (1987/8) is a government account or interpretation of committee performance, and for that reason of limited value.

b. Social Services

A more dynamic approach to this issue was provided by the Social Services Committee. Chairman, Frank Field had said,

early in his chairmanship:

"We are going to look at all our major reports, like those on community care and AIDS, and look at the progress on those fronts. We want to see whether the government is responding to what the committee is saying and we want to look at the basis of those reports to see just how good the committee has been". (Field 1988)

In fact, a comprehensive evaluation of that kind has not happened, mainly for lack of staff time, but there have been three papers from this committee which comprise a unique attempt to monitor its influence and at the same time to maximise its reports' effectiveness by intervening at the point of policy formation - that is to say, during the progress of Bills through the Commons, which relate directly to the policy under investigation.

In session 1983/4 the Social Services Committee produced a report entitled "Children in Care" examining policy concerning children looked after by Local Authorities, voluntary organisations and other bodies. The report made a number of recommendations including the setting up of a working party on Childcare Law (HC 360 1983/4 {paragraph 119}).

The DHSS duly set up a working party and the subsequent white paper led to the publication of the Children Bill.

The response of the Social Services Committee was to produce a further report (HC 178 1988/9) which sets out to examine the Children Bill in the light of the Committee's 1983/4 report, to indicate to M.P.s which of the Committee's recommendations the government had accepted, partially accepted or rejected - and to comment on the provisions made.

HC 178 is therefore a handbook for Members at each stage of the debate on the Bill, and potentially useful at the Committee stage when clause by clause consideration is given. The document recommends acceptance or amendment of clauses and proposes to table amendments where necessary. All the professional and legal advice taken in evidence by the Social Services Committee was made available to backbench M.P.s in their consideration of the detailed Bill. The Committee is thus attempting to measure the efficacy of its original recommendations and to increase influence by intervening in the formulation of the legislation.

In the terms used in this thesis it is an example of a committee intervention at the policy formulation stage in the policy cycle on a technical/legal issue. The effect of the committee "mode" and the outcomes established are outside the remit of this thesis, but make clear that the concepts employed can be translated to other contexts and to other committees.

The Social Services Committee utilized a similar technique in the 1989/90 session with two reports dealing with government proposals for Care in the Community. The publication of the National Health Service and Community Care Bill which had been preceded by a white paper in November 1989 prompted the Committee to produce a report in which it examined one immediate issue - the transitional arrangements for the funding of residential care for the elderly and other client groups in private and voluntary residential and nursing homes. (HC 257 1989/90) The Committee evidence-taking sessions and the debates which they engendered were therefore synchronised with the progression of the Bill through Parliament and again provided a sharply focused guide for parliamentarians in the major debates on the floor of the House on this topic.

A second report (HC 277 1989/90) undertook a similar exercise in regard to aspects of the funding of Community Care for local authorities.

c. The Energy Committee

The third example of this kind of intervention was the Energy Committee which intervened with a report on the privatisation of the electricity supply industry on a similar basis but at the stage when the Bill was in the House of Lords. This report (HC 307 1987/8) provided their lordships with a side by side commentary on clauses under debate throughout the Bill.

However apart from these instances there has been a demonstrable lack of interest on the part of most select committees to concern themselves with evaluating their effect on policy or the nature of their influence on executive decisionmaking or departmental administration.

Future students of select committees will therefore need to consider the robustness of the matrix approach promulgated in Chapter 20 above and to speculate with a judgement informed by both quantitative examination of outputs and a qualitative assessment of outcomes on its relevance to work in other policy areas. The following comments may be relevant.

First, the theoretical proposition that the degree of impact of the committee report may be related to the stage in the policy process that the subject matter has reached, is one which will have relevance to any area of policy under review. The research method employed here would allow analysis in that respect. (See Fig 4 Page 90) and would require students of select committees to relate the subject-matter of recommendations to the process of policy development within the department being monitored. The "agenda-setting" propensities of the committee can be diffentiated from its evaluative role.

Second, in the examination of environmental policy we have categorised the investigations by issue type thus:

Technical/Scientific; Administrative; Economic. (see definitions page 141).

In the work of the other committees the categories might be quite different, for example the subject matter might be predominantly legal, financial, social or indeed military or diplomatic. The principle however is valid; i.e: that the nature of the issue or policy under review is relevant to the outcome and influence brought to bear.

Third, the "mode" of the committees investigation, here categorised in terms of the main thrust or tone of the investigative activity, in so far as we have demonstrated its relevance to outcome, will be equally of value in the areas of work of other departments. (See page 117) There is no reason to think that the outright challenge to the executive will be any more successful in other Departments of State than it is with Ministers in the Department of the Environment.

It should be stressed again that by using the continuum acceptance-rejection of recommendations, we are examining only part of the picture; the nature of influence is far more subtle and less tangible than this quantitative analysis illustrates. It would still be essential in measuring the success of committees operating in other policy areas, to elicit the qualitative, impressions of key actors within those policy arenas.

The Procedure Committee Review

It was in an attempt to capture this essentially evanescent quality of the select committee system that the Procedure Committee launched its own review of committee effectiveness, with a formal investigation started in November 1989. Ten years on from the introduction of the system, its witnesses gave just such a panoramic, impressionistic and self-critical examination of committee impact upon parliamentary affairs, and we turn in the next chapter, to a consideration of that review, and whether it has any bearing upon the formalistic structure of the matrix in which we have attempted to measure the environmental policy outcomes of the 1980s.

CHAPTER TWENTY FOUR

THE STORY SO FAR: A HOUSE OF COMMONS EVALUATION AND THE EMERGING CONSTITUTIONAL AND THEORETICAL ISSUES

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Introduction

This account of the Procedure Committee's evaluation makes clear that for those most closely involved in the activities of select committees - the backbench members - the political priority is to ensure that progress is made at a pace which does not provoke Government hostility. Modest advances in structure and minor changes in practice are seen as the most effective means of capitalising on the progress of the first decade. There is no acknowledgement of the view propounded in this thesis that the future of the departmental select committee system is associated with the debate concerning modification of British constitutional practice or that it touches greatly on the need for procedural reform. In the next section we take these issues forward and attempt to establish the constitutional limits to procedural reform, insofar as committee futures are concerned, and to contextualise the debate in a return to theoretical issues.

The First Ten Years

"The Working of the Select Committee System" (HC 19 session 1989/90) is the title of the Procedure Committee's review of the first ten years of the system. In a four month enquiry

beginning in December 1989 it examined all aspects of the work of Departmental Select Committees and witnesses included committee chairmen, the Leader of the House, private members, officers of the House and pressure group representatives as well as academic commentators. There were 34 oral witnesses including 3 Cabinet Ministers. Eighty written memoranda from interested parties were supplemented by 14 detailed appendices.

The overall conclusions are that considerable success has been achieved in working across a wide range of issues and that the committee system represents a "far more vigorous, systematic and comprehensive scrutiny than anything that went before". A considerable number of the 70 recommendations are taken up with minor proposals for changes to Standing Orders and in some mild criticism of the failure of most committees to scrutinise expenditure adequately. The case is put for structural changes to enable science and technology policy to be covered by a new committee, and for Health and Social Security Departments to be monitored by separate select committees. A further recommendation argues for the Law Officer's Department to come within the scrutiny system for the first time.

The report sees no imperative case for increasing powers of committees or for increasing staffing and resources. In examining the cost of committees, the powers to create sub-committees and the use of specialist advisers members

make somewhat hesitant and very modest proposals for change. The Procedure Committee sees no case for major change in the rules (the Osmotherly Rules) governing civil servants conduct in giving evidence, but pleads for a more open policy by the government and more co-operation especially from the Treasury:-

"We urge the government to review its approach towards giving evidence with the aim of formulating a more constructive and open policy".

These recommendations amount essentially to some "fine tuning" to the existing practice, summed up perhaps in recommendation xxvii: "We do not consider that new or additional powers for select committees are necessary or would be workable".

The pivotal evidence session was clearly that of the then Leader of the House, Sir Geoffrey Howe. The Procedure Committee recognise that the continuous interplay between committees and departments and ministers is the most crucial and potentially sensitive of all the relationships which have to be maintained. Ministers and officials are the witnesses most frequently called; they share the main burden of scrutiny and they are the recipients of the great majority of committee recommendations. A somewhat critical tone might therefore have been expected in the evidence from the Leader of the House. In fact the most striking feature of the

government's memorandum is a pragmatic acceptance of departmentally related committees as "an indispensable part of the work of the House of Commons". Sir Geoffrey drew upon four main illustrations of the value he placed upon the interaction of committees with government. First they provide "a ready and public platform for the government to explain and describe its policies and the background to them". Second he referred to the "testing of policy" by informed scrutiny and the knowledge that such scrutiny can always take place is a significant element in keeping departments performance to a high standard. Third, evidence from non-governmental sources was seen as a valuable contribution to the process of government and can "significantly influence and shape subsequent public debate".

Fourth, in the view of the Leader of the House recommendations from select committees stimulate reconsideration of policy, whether or not proposals are actually accepted in the end.

These positive observations however were laced with minor concerns that committees should address themselves to topical subjects and be sharply focused if they were not to be overtaken by events. The additional workload placed upon ministers and officials was a difficulty in responding to requests for evidence from committees although Sir Geoffrey felt this could be a matter for negotiation. In some cases he said, the process of policy formation could not be held

back pending an investigation by a select committee.

There was general agreement amongst committees on the need for more debating opportunities and virtually all select committees regarded the present arrangements for debating their reports as inadequate. Committee Chairmen argued for a firmer link between the work of select committees and the Chamber itself, regarding the present allocation of 3 estimates days for debating reports as entirely inadequate.

However the Procedure Committee argued that whilst understanding that a fixed quota of debates constitutes the umbilical cord linking committees to the work of the House, nevertheless voiced doubts about whether such debates were taken seriously. It is however difficult, in the light of the evidence, to understand their recommendation on this point: "On balance we do not recommend any increase in the 3 days currently available under the estimates day procedure. We are not persuaded that these debates and the limited attendance which they normally attract, necessarily represent the best use of time on the floor of the House". It went on to argue for a procedure whereby additional time might be made available for debating committee reports in some committee forum upstairs.

One significant proposal, touching upon the resources available to select committees, is that there should be a

limited availability of National Audit Office staff and papers to committees pursuing topics which PAC have under investigation. This question is discussed in more detail later in this chapter, when we examine the problems of a closer working relationship between the 'value-for-money' function and the wider scrutiny role.

The report goes on to make the case that one of the main values of committee reports lies in their contribution to general debates on subjects to which they are relevant, sometimes forming the centrepiece of a wider discussion rather than being the subject of a substantive motion to approve or take note. The procedure committee does however confirm a number of other arguments pursued in this thesis; it commends the work of committees which persist in long-term themes, returning to earlier reports as the Environment Committee has done. It notes that the "delayed drop" effect has wide application and that the links to the external and wider policy community are an important and relatively new element in the democratic process.

Indeed as this thesis has also demonstrated, pressure group involvement is acknowledged as central to the whole of the scrutinising function. Whether invited directly by a committee to give evidence or volunteering it, the report acknowledges that these groups all share the desire to influence through their lobbying, the content of reports, the wider public debate and, ultimately, government thinking.

For some academic commentators the failure to address the weaknesses in the Osmotherly Rules is a major defect. The committee noted that the rules have never been accepted by Parliament but then, inexplicably, went on to argue that "a wholesale review at Parliament's behest would simply result in a new set of guidelines which, while superficially less restrictive, would then be applied vigorously to the letter". They conclude: "At risk of defeatism therefore we believe that discretion is the sensible approach, particularly unless further experience demonstrates an urgent need for change".

That comment perhaps sums up the overall tone of this review of the first ten years and the attempt by one member, Mr Graham Allen, to inject a more challenging stance into the report, to "breathe life, rights, independence and resources into Parliament's most vital organs", was rejected on a division; the final report is in fact unanimous with a detectable flavour of self-satisfaction.

So whilst there seems to be a general consent to the overall success of the 1979 reforms there is a noticeable lacuna in that the fundamental questions of the constitutional implications are virtually ignored. The committee limits itself to the comment that committees are not an alternative government, nor Royal Commissions producing detailed blue-prints for the future but rather provide more subtle and indirect impacts upon the course of events. In evidence the architect of the 1979 reforms, now Lord St. John, had set the

tone when he suggested that the introduction of committees had left the constitutional principles underpinning the United Kingdom's system of government firmly in place and that it has never been the function of the House of Commons to govern but rather to be seen to check the executive. He acknowledged the ambiguity of notions of "check" and "control" in this context, eschewing any suggestion of a radical shift in power from the government to parliament.

It is however necessary for any detached observer to rehearse these underlying issues which arise and we turn now to a closer look at what if any constitutional implications the existence of committees have, and in particular make an attempt to establish the constitutional limits to procedural reforms of this kind.

Constitutional Reform or Procedural Change?

The scrutiny of the Executive and influence on its actions may be said to operate on a number of levels. The macro-level, at which parliament itself scrutinizes Bills or the actions of Ministers, works on the floor of the House and in procedural debates and question time, and in committee-stage proceedings.

At the other end of the spectrum, when the impact of policy or the action of civil servants affects individual citizens, MPs defend and promote the interests of their constituents. Whereas at the micro-level concern is likely to be with the practical details of policy, at the macro-level there will be a concentration upon principles and public policy. (Bochel & Taylor-Gooby 1988, p 209).

But there is also, at a middle level of scrutiny, a range of activity in the work of royal commissions, committees of enquiry or judicial examinations, in which the distinction is not so clear. Matters of general policy cannot be entirely separated from particular cases and an enquiry into a specific incident will often carry an implication of scrutiny of a wider policy area.

Since 1979, with one or two notable exceptions, the setting up of Royal Commissions has been avoided, apparently on the personal preference of the Prime Minister; such bodies have, according to Hennessy, become 'the most elevated and distinguished casualties of the Thatcher years...' (Hennessy 1985). Bochel et.al argue that the growth of government has adversely affected the ability of MPs in the 20th Century, to scrutinise and influence policy because of the sheer mass, specialism and complexity of the legislative programme and of government activity. The environment, as we have seen is one of the policy areas in which this trend has emerged, and it could be argued that in the absence of other mechanisms, the emergence of select committees has provided just such a device through which complex technical issues can be elucidated for the lay policy-maker and those, both inside and outside government who will ultimately make policy or implement it. Sizewell and Windscale are examples of public enquiries which have left much doubt about the relationship of particular local issues to wider public policy. (Layfield 1987; Parker 1978; Baker 1988)

The select committee system has among other things deposited its members into the heart of these problems, creating a mechanism which, in the absence of other scrutinizing devices, provides a stage upon which policy choice, scientific fact and political ideology meet, like the witches below Dunsinane. From the cauldron of the inquisitorial process come all-party committee reports attempting to

clarify and make sense of ever more complex data and to monitor the Executive and its use, or misuse of science in the justification of public policy.

But scrutiny, in the current political climate raises more basic considerations particularly of the constitutional context of select committee activity; conservative governments of the 1980s have, in the view of many commentators, come to be perceived as centralist, de-regulating and - by some arguments - authoritarian. The combination of a large majority and fragmented opposition produced during this period, a kind of demoralisation of the House of Commons. Bevins for example, suggested there was a widespread feeling at Westminster and in Whitehall that Mrs Thatcher has mobilised her Commons majority to ram through legislation, scatter critics and crush the basic democratic power of Parliament to amend; 'the elective dictatorship has arrived'. (Bevins 1989).

In this atmosphere the select committees have, in a number of notable examples, become the main focus of opposition, especially to some of the radical measures in the third term. Indeed, in a constitutional sense, apart from H.M. Opposition, select committees are one of the few structural means of achieving a countervailing force.

At the same time the development of supra-national policy-making in the EEC requires not only procedural reform

of the British parliament but a new look at the way parliament relates to the Community and how it tackles the growing volume of community decision-making. Is there a case for the work of the European Scrutiny Committee, at the very least, to be supplemented by a more detailed examination of legislation by strengthened departmental committees? In this context John Biffen, lately Leader of the House comments: 'The changing nature of Community membership makes Westminster procedural reform imperative; above all it is a Commons issue and should engage other loyalties besides those of party.' (Biffen 1989) And in the sense that the challenge is to parliament rather than to Executive, it is important that backbench common cause is made. A role for select committees?

Graham and Prosser (1989) have argued that another tendency of the Thatcher governments has been to create an imposing edifice of quasi-government bodies, often replacing local government, in which traditional forms of democratic accountability are removed. Urban Development Corporations, Joint Boards and HATS are examples. Whilst extended government is by no means new there have been no moves to design new forms of legitimating device or new institutions of accountability.

Under such conditions Parliament no longer performs a critical, autonomous function of mediating between societal interests, being reduced, in Poggi's memorable phrase to 'a

highly visible stage on which are enacted vocal, ritualised confrontations between hierarchically controlled, ideologically characterised alignments...' (Poggi 1987). In the process of restoring the authority of the State, whilst claiming to roll back its frontiers, there has been a weakening of the democratic under-pinning which makes authority tolerable.

In a diffuse and unco-ordinated debate about the need for constitutional reform, these underlying concerns have produced a variety of ideas: Wass has proposed a standing Royal Commission; Anthony Barker a standing constitutional commission; Hattersley has re-opened the devolution debate and Professor Crick has proposed a Bill of Rights.

Walter Williams argues for wide-ranging procedural and administrative change which would emphasise the strategic planning role of the civil service and the Cabinet office, with much less focus on the Chamber and much more work done in committees with strengthened policy staffs.

However, the realistic position is that there is no great pressure or crisis which might prompt a move to constitutional reform and in the two-party system upon which most parliamentary activity is premised, the role of other scrutinizing mechanisms only comes into prominence when the Opposition is weak or the balance is held by other forces. When the two-party clash is at its fiercest and most direct,

then the role of other scrutinising mechanisms reduces.

In this climate the most likely development in the select committee system will be a modified procedural change, especially, as Biffen suggests, in the context of the need to come to terms with the growing volume of EEC legislation and regulation.

In its report on this latter issue, the Procedure Committee (HC 622 1988/9) proposes that more of the burden of debating proposed EEC measures should move from the floor of the House to a series of five standing committees already available to the House under its standing orders. This proposal would involve giving the standing committees more power to examine in detail the legal, practical and policy implications of a proposal before going on to debate its merits on a substantive motion.

This would involve more formal evidence taking in the manner of the special standing committees on Bills, but without usurping the powers of select committees to send for papers, persons and records.

It is then, in this incremental mode of modest procedural development that the system of select committees will be likely to ground its own future growth.

The constitutional point to make is that whilst the introduction of select committees was part of a process of adjusting parliamentary structures for improving scrutiny of administration once it occurs, they are not as a rule, (but with some notable exceptions), in a position to scrutinize or comment upon what is being put in place or proposed. What is needed is informed, effective in-put before legislation is passed.

There are however constitutional limits to procedural reform and the final chapter of this thesis takes the discussion forward to a consideration of the problems which such changes might face and how they might be introduced as an integral part of the development of the committee system.

However, before doing so, it is necessary to return to theoretical issues and to consider, in the light of this research, whether we can gain a fuller understanding of the processes at work by examining committee work against the meso-theoretical notion of sub-central governments.

Theoretical Perspectives

Introduction

In chapter three we attempted to locate the emergence of select committees within the main theoretical concepts of the State and to seek a satisfactory explanation of their role and relationships within the centrality of organized political power in modern society. The ability of committees to establish conduits outside the environs of Westminster and to participate in what Ham and Hill (op. cit.) term the 'political marketplace', found closest affinity with pluralist concepts and the development of this thesis has re-inforced the earlier commitment to a pluralist view of their function. Having now completed an examination of their functioning within the parliamentary system and examined more closely the role they play in the policy process, it is apposite to return to the theoretical discussion, but in order to arrive at a fuller understanding of the challenges presented by the committee phenomenon, to move from reflecting upon macro-theoretical considerations and look instead at their function in terms of the concept of sub-central governments (meso-theory) and the complex web of policy networks which make up political power in Britain, and which clearly cannot be ignored in any account of the policy process (micro-theory).

A Neo-Pluralist View

The activities of select committees fit well into the concept of sub-central government in which it is argued that the notion of Britain as a unitary state and the whole centralist perspective is replaced by what Rhodes (1988) describes as a centreless and differentiated polity, characterised by interdependence, non-local policy-making, multiple forms of accountability and ambiguous relationships 'in which fragmentation and centralization co-exist' (Rhodes 1988 p.96).

Whilst select committees are essentially creatures of Westminster and Whitehall, they do provide a means of reaching out into the plurality of policy networks, indeed they become a focal point for such networks in shaping the policy process and policy outcomes.

This view highlights the importance of intermediate institutions, non-departmental public bodies, public corporations, interest groups and the inordinate complexity of local and sub-regional agencies which give continuity and order to the policy process; it establishes the possibility of select committees becoming the conduit between centralist forces and the dynamic sub-central structures. This is the high ground which select committees must hold and develop in the next phase of their growth; a commanding role at the centre of a neo-pluralist

framework, orchestrating the complex interdependence of policy networks around issues.

Now the task is to analyse and explain at this meso-theoretical level of understanding.

We have seen in this thesis the role of non-departmental official agencies, of intermediate institutions, local government and the inter-weaving interest groups, using select committee investigations to influence policy, and the way in which committees allow them a window on to the process of government; the orchestration of the policy community is achieved in a fashion quite without precedent.

Schon has argued that policy communities are a prime example of 'dynamic conservatism' or of struggling to remain the same, (Schon 1973 p.31), but whilst stability is a characteristic of such relationships, engendered by their limited constellation of interests, with restricted membership, it is not clear from the present study that we are seeing some form of incorporation or routinization of relationships into a closed world. The tendency to institutionalize the existing distribution of power, especially in the esoteric world of environmental sciences, is undermined somewhat by the process of select committee enquiry. Greenpeace scientists challenge the CEGB or BNF or Nirex, in a way not previously possible.

The concept of sub-central government and policy networks and of the select committee as a conduit into the Westminster/Whitehall machine argues for a weakening of the 'centralist perspective', replacing, as Rhodes argues, the conventional unitary state with that of the centreless society in which fragmentation and centralization co-exist.

Thus, whilst not departing from the need to place the State at the centre of policy analysis (Ham & Hill op. cit), we can best explain the phenomenon of select committees in pluralist terms; a part, a new part - of the institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote. (Schumpeter 1947. p.269).

This thesis has set the discussion of select committees in the wider context of parliamentary activity, and has described the 1979 reforms as part of the on-going process of change. They are part of the periodic structural adjustment, leading to wider popular participation and accountability.

Even in the context of Conservative governments of the 1980s, the theoretical location can be discerned as part of the need to discover new conduits for the mobilisation of consent - and therefore the legitimacy of the State.

In this view, select committees are one of a series - perhaps the most important so far, of structural and procedural changes in the parliamentary system. Others are the increased use of standing committees for the scrutiny of certain Bills,. the creation of the National Audit Office and a Public Accounts Commission (The 1983 National Audit Act), the appointment of estimates days debates chosen by the select committee chairmen and the establishment of a Commons Commission to conduct the administration and finances of the House itself. In the Lords there is also a new emphasis on committees. The most important is the select committee on the European Community, with several sub-committees - the only effective mechanism so far for the scrutiny of the increasing volume of EEC legislation (Hayward & Norton 1986 p.124).

To conclude; if the matrix approach adopted here and the use of 'issue type' and of 'mode' as distinguishing marks of particular reports has validity in measuring intervention in the policy process, it will be so partly to the extent that the concept can unlock some of the deeper and more ideologically - based strands of political motivation which have been detected in the case studies. (Chapter 10 to 19)

A neo-pluralist interpretation, locating committees in the concept of sub-central government networks illuminates this process yet more clearly, and re-inforces our earlier

theoretical discussion.

We move now from considerations of what Schumpeter (op.cit) describes as part of the institutional structure of competition for political power to more pragmatic considerations; the final section of this thesis considers how the committee system, in its second decade, can be equipped to compete more equally in the political marketplace to which he alludes.

CHAPTER TWENTY FIVE

A SUMMING UP AND SOME RECOMMENDATIONS

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In this final chapter we consider what recommendations can be drawn from the case studies and from the subsequent development of committee activity, which would enable the present system to sharpen the scrutiny and monitoring of Departments of State; recommendations not only to the parliamentary actors in the process but to other agents in the policy communities which committees address. Recommendations are to be found in bold type in the following text, in the manner utilized by select committee reports.

We have argued that select committees have emerged as an important element in the constitutional pattern of scrutiny and monitoring of the Executive, different in type and style from Her Majesty's Opposition in the role of calling government to account, and - perhaps paradoxically - more important in times when there is a powerful majority for the party in power and opposition is in retreat or in disarray - diminishing in importance when the floor of the House assumes its full role as the theatre of ideological struggle in the two party system.

We have also charted the development of committees as an

important conduit for those outside Westminster to contribute to the process of pluralist policy formation.

Norton endorses this assessment of the first decade suggesting not only that departmental committees are now "the essential agents for scrutiny", but that they constitute the most significant parliamentary reform of the last eighty years

- "the most important means of ensuring open government". (Norton 1990)

So much of the rhetoric in the debates which brought departmental select committees into being was about restoring balance between executive and legislature but our examination of a limited range of activity suggests that balances of a more subtle kind are also important. There is a balance to be struck between challenging or castigating departments and collaborating with them; between tough inquisition of Ministers and an acceptance of their right to make policy; between partisan loyalty and all-party consensus. Balance too between interests and lobbies competing for the ear of policy makers; indeed it must be admitted that the one thing which committees have signally failed to do is overtly to restore more power to parliament at the expense of the Executive: it is not that kind of game.

McAuslan has highlighted the contrast between on the one hand, increased parliamentary surveillance of the Executive and the administration as evidenced by the growth of select committees over the last decade, and on the other a generally perceived drift towards an authoritarian administration. (McAuslan 1989)

Recommendations to the Right Honourable The House of Commons

The issue therefore is the extent to which committees can extend their influence from monitoring and scrutiny and post-facto evaluation to a more effective and dynamic influence on primary legislation. In terms of the policy process model (page 90) they need as a next step to impact upon the early stages of the life-cycle of a policy.

1. **There should be an acceptance that departmental committees look at all White Papers and Green Papers issuing from the departments they shadow; there should be a link to the existing process whereby the Committee on Statutory Instruments examines Ministerial edicts before they are implemented.**

Thus the emphasis would move from attempting to alter policy to helping to frame it. In this way when a Standing Committee came to give line by line consideration to a Bill, it might have before it a non-partisan appreciation of the government's proposals. We saw in chapter 23 that the Social Services Committee made some attempt to do this in

relation to the Children Bill and even tabled its own amendments.

The Procedure Committee's investigation (HC 19 1989/90) into the first ten years of the departmental select committee system prompted all 14 committees to look - in some cases for the first time - at the fate of the recommendations they had made during their 10 year existence. Whilst one or two had previously made some attempt at this (see chapter 23 p.438) most had not, and the crude totalling of 'acceptance/rejection' is surprisingly favourable to the committees.

But it prompts the almost obvious proposal that this audit of the fate of recommendations should be an established part of normal committee life.

2. **Committees should formally seek, once in each Parliament, an account from their Departments of what actions followed from acceptance of recommendations and what policy development, research outcomes or administrative changes were implemented in each case.**

The decade of the 1980s in which the departmental select committees were created and came to maturity, also saw the rebirth of interest in the evaluation and measurement of performance in public sector services. The development of MIS and the launch of the Financial Management Initiative

(FMI) in 1982 were attempts to revive interest in the use of rational techniques of performance assessment and had the aim, in the words of Cmnd 9058, (on financial management in Government Departments), of assessing and wherever possible measuring outputs of performance in relation to stated objectives. But the complex issue of 'effectiveness' has to distinguish between administrative and policy effectiveness, something which, as Carter has argued, is not addressed fully in Treasury papers or in the Public Expenditure White Paper (Carter 1988 p.374). Indeed the use of performance indicators seems not to have permeated the hearts and minds - the corporate culture - of many departments, mirroring what one key actor has termed a 'lack of rigour' in the work of select committees who have lagged behind developments in management information techniques within departments. (Garrett 1990) There is an obvious area for closer scrutiny here, a fruitful field for monitoring performance which would suggest a more systematic approach by committees in the oversight of departments and agencies.

3. **One important role for select committees monitoring departments should be to examine the extent to which published measures of performance are utilised in established big spending programmes, and how far they are achieved.**

The case studies (chapters 10 - 19) have emphasised the evaluative role which committees can perform. It is a

function which is better done outside the responsible department where entrenched interests and ministerial ideological priorities may cloud the outcome of policy evaluation studies. This point calls into question the clear stance taken by the Environment Committee under the Chairmanship of Sir Hugh Rossi, who argued (page 177) that his committee was likely to achieve more influence if it avoided topics of party political controversy which were likely to get aired in major debates in the House. This has however meant that the Environment Committee has not looked at any housing legislation since 1981. Throughout the 1980s there has been a series of radical measures from the DoE legislating major changes in the rights of tenants, the role of local authorities and the provision of social housing. This period has also seen a sharp decline in Local Authority house building, a large increase in homelessness and the failure of the Housing Corporation and Housing Associations to meet targets or needs. By common consent there is a housing crisis. Why then does the Environment Committee not feel that its monitoring of the DoE should include these important structural shifts and, by most arguments, policy failure?

At the very least it should see an evaluation role and attempt to relate the legislative measures to service outcomes. Indeed it could be argued that the Housing Acts of 1985, 1988 and 1989 were fully thrashed out on the floor of the House of Commons and in the line by line committee

stage. But these are essentially party political arenas - clashes of ideological stance - and in most cases have been abruptly ended by government guillotine.

They are no substitute for the painstaking inquisition of the committee inquiry. There is no opportunity to hear the local authorities and the tenants' groups, the independent experts or bodies such as the Institute of Housing or Shelter.

The analysis of the case studies demonstrates that scrutinising policy at the evaluation stage of its life cycle is the most fruitful point of intervention. Other committees would do well to follow the lead.

4. **There should be a structured evaluation study in the programme of all select committees in which particular policies are formally assessed for effectiveness.**

This of course has resource implications. Many contributors to the Procedure Committee assessment (HC 19) argued the need for more research and administrative staff for committees, and the Chairman of the Defence Committee especially drew attention to the problems posed by enquiries undertaken by the Public Accounts Committee (PAC) and the staff of the National Audit Office (NAO) overlapping with those of other committees with minimal staff resources. The question needs to be asked whether the House of Commons is

obtaining value for money from the outstanding resource which the NAO represents. At present PAC is supported by 900 staff and £28m. a year budget. The remaining 13 departmental committees are supported by a total of 60 full-time staff and 80 part-time staff costing under £2m. a year.

However this debate has so far been premised on whether the departmental committees should be able to utilise the NAO material from their value-for-money investigations for PAC. There is a somewhat different point to be made.

From the case studies in this thesis it is clear that committees frequently make recommendations of a radical and far reaching nature, backed by analysis and research presented by their witnesses or independent experts and attested by specialist advisers. What they virtually never do is to provide sound estimates of the cost in capital and revenue expenditure, that their recommendations imply. This is an important weakness especially in the areas of technological 'frontierism' which environmental policy explores and undermines the intellectual excellence of many of the reports reviewed here. Committees need to concern themselves with the financial consequences of their recommendations.

This point re-inforces a general reluctance by most select committees to take seriously that part of their brief which

concerns departmental expenditure; a function reduced, in the case of the Environmental Committee to a once-a-year superficial canter through Departmental estimates.

5. **To redress this weakness there should be an ability of Committees to call upon the professional skills of NAO and a commitment by the Comptroller and Auditor-General (now an officer of the House), to service the reasonable needs of the departmental committees.**

This might require legislative change if he needs to address other than value-for-money audits which he and the PAC ordinarily undertake.

The impact which the select committee system has made and broadly acknowledged by the vast majority of those who gave evidence to the Procedure Committee review (HC 19 op.cit.), is however mainly appreciated by those who are involved in the process, policy communities and pressure groups with whom they interact, and the academic community who analyse their activities.

In the second decade of their existence it should be possible to ensure that their public profile is raised and the undoubted growth in media interest in their activities - enhanced by the introduction in 1989 of TV cameras and a weekly radio programme - is translated into a wider public

appreciation of their role.

6. **The reports Committees publish should be more widely available, better designed and a more conscious effort made to 'market' the meetings, publications and evidence sessions to the widest possible audience.**

They might include the establishment of a press office, attractively produced publications, bookstalls and a comprehensive approach to marketing, with a deliberate attempt to attract media interest in major reports and proposals, catching the attention of practitioners within the policy community, a concept described in Chapter 20.

The limited number of occasions on which Committee reports are debated on substantive motions in the Commons is an issue to be addressed. The link between committee corridors and the floor of the House is tenuous, unstructured and intermittent.

7. **There should be a review of the arrangement for Estimates day debates and a procedural entitlement to parliamentary prime time for debates on major committee reports when committees can report to the House on issues they believe are important.**

In the first ten years of the select committee system the rules governing the conduct of civil servants and

departmental select committees, and the limits of their ability to co-operate in investigative probing, are laid down in a memorandum of guidance for officials appearing before select committees known colloquially as 'The Osmotherly Rules'.

This document does not have statutory authority and in practice there have been few tensions between the demands of committee members and the limits imposed upon civil servants to answer questions.

Those which have occurred however have been spectacular and are exemplified in the case of the Westland Helicopter issue of 1985. The attempts of both the Defence Select Committee and the Treasury and Civil Service Committee to investigate the issue were inhibited by a refusal by the government to allow key civil servants to appear and to explain their conduct. Nor was the Secretary to the Cabinet willing, in his evidence, to name any individual involved or reveal what they had told him in his own enquiry into the incident. (HC 519 1985/6; Hc 100 1986/7; Cmnd 9916 para. 44; HC 62 1986/7)

In its response to these concerns the Government was categoric: "The Government proposes to make it clear to civil servants giving evidence to select committees that they should not answer questions which are or appear to be directed to the conduct of themselves or other named

individual civil servants." (Cm 78)

In distinguishing between 'conduct' and 'actions' of individual officials, the Prime Minister insisted that any suggestion of misconduct is a matter for the Departmental Minister concerned, and not for the select committee. "It is then for the Minister to be responsible for informing the committee of what has happened." (Ibid)

This limitation is a major inhibition on the ability of a Select Committee to get to the core of issues such as that mentioned above and it is important that it is removed. Indeed on this and other subsequent occasions Ministers themselves have declined to co-operate fully in answering committee members questions and it was in these circumstances, that committees sent for officers.

8. **The Government's Guidelines for Officials giving evidence (Cm 78. Appendix) should be withdrawn forthwith. (See Rec. No.9)**

Apart from these occasional and high profile controversies the negative tone and 'ultra vires' ethos of the Osmotherly Rule seem no longer to be appropriate to real life activities on the committee corridor. There is an emerging consensus about the duties of accountability of public servants and it is also true that plans for the hiving-off of many functions of the civil service into new Executive

agencies, presaged in the Government's 'Next Steps' proposals, will mean that for those officials, an agreed basis of public accountability will have to be devised. A 1985/6 investigation by the Treasury and Civil Service Committee into the duties and responsibilities of Ministers and Civil Servants echoed these concerns for revised practice to be established. The Single European Act is another reason for a re-think, since it will bring within the ambit of the British parliament a wide range of new administrative actions demanding accountability.

9. **The Osmotherly Rules should be re-drafted into a simplified, short and much more positive code of conduct for civil servants, agents of public and executive agencies and staff of the EEC, emphasising the need for maximum accountability and co-operation with Committee Enquiries and defining as narrowly as possible the areas of confidentiality and non-disclosure.**

Recommendations to Committee Members

Given the intense political environment in which committees have to work there is an inevitable tendency for them to react to current crises, to exciting political issues of the day, but the evidence suggests that the greater value, in terms of positive response will be in the longer-term issues, in persistence and depth of understanding.

An example is the long series of investigations, now stretching over three parliaments, conducted by the Environment Committee, over a wide range of topics bearing on environmental policy. The progressive weight and build-up of scientific fact, new technological advance and up-dating of research findings is an important factor in the ultimate level of influence which the committee achieves on policy outcomes; it is perhaps a prime example of the value of continuity.

10. **The value of cumulative and persistent investigations in specific policy areas of a long period should be recognised by committees as an ingredient in exerting influence on policy outcomes, especially where government policy is developing incrementally, and where policy is at an 'evaluation' stage in the cycle.**

This work would be enhanced if committees routinely commissioned evaluation studies from specialist consultants and research institutions to ensure thorough-going reviews, to include the 'pluralistic evaluation' techniques touched upon in this thesis.

Chapter seven above demonstrates that the mode in which a committee approaches an investigation will vary from the outright and aggressive challenge to a governmental or departmental action, through to a collaborative and supportive attempt to help identity a policy response to a

problem. The Westland Helicopter issue and the investigation into AIDS policy are recent examples outside the scope of this thesis, of the two extremes.

Whilst it is true that the challenging mode is rarely immediately productive of change there is enough evidence in chapter twenty two on the 'delayed drop' phenomenon, to show that incremental change frequently results.

11. Committees should not fear that open challenge will be counter-productive and should recognise the importance of delayed outcomes, provided the quality of the report and its background research are soundly based.

The foregoing chapters have remarked on the dominant role played by the Chairman and the Clerk in formulating the programme and topics investigated by committees. They are the essential 'gatekeepers' in the process perhaps to the detriment of other members and to the range of topics investigated.
Sir Hugh Rossi's insistence on the avoidance of certain subjects, recorded here, is an example.

12. Members should influence the process more; they should ensure that there are no 'no-go' policy areas, implied or expressed, even if some issues are picked up at the evaluation stage, rather than at the formulation of policy.

This recommendation would be assisted if the whole procedure were more open and easily available to public scrutiny and there were some ability within the wider constituency of interests, to influence the direction of committee activity.

13. Committees should publish more widely their sessional forward programmes of investigations.

Recommendations to those external to Parliament

Earlier chapters have commented upon the frequency with which certain issue-based pressure groups and large self-interest lobbies are called to give evidence whilst others, with a less high public profile do not become involved. We have traced the way in which some long-standing liaisons between groups and government departments have withered during the Thatcher years. Some have made the transition to the committee corridor, others not.

14. Generally interest groupings with a point to make need to be more keenly aware of the opportunity which the select committee system provides and to take a more pro-active role in utilizing the conduit which it establishes.

This constituency should be widened and a more catholic selection of external groups should be enabled to be drawn into the process.

Reference to the tables of in-puts and citations utilized in the matrix in this research indicates that the evidence of pressure groups is a substantial influence in committee reports. As one committee chairman commented: 'We feel we are acting as a sounding board for people who want to talk to the government'.

15. **Pressure groups should accept that select committees are a major new conduit for making representations to Parliament and the executive, and should be utilized at every opportunity. They should note that the higher the quality of their submission the more likely it is that their case will be influential, especially in issues at the forefront of technical knowledge.**

A number of witnesses to this research have commented adversely on the contribution which local authorities have made to the select committee process and to the quality of the evidence they have supplied. As important partners in the implementation of much public policy and the regulatory functions of the State - especially in environmental policy, planning and conservation - there are clearly advances to be made in exploiting the opportunities for dialogue and influence which committees provide.

16. **The Local Authority Associations and the major city and county authorities should make substantially more effort to**

register the interests and establish the importance of elected local democratic agencies in the formation of policy. They should give more attention to memoranda, research and evidence, utilising the vast body of data produced by the activities of councils to ensure that select committee enquiries are supplied with accurate and authoritative information essential to the process of policy mediation which committees seek to achieve.

There is a burgeoning interest from political scientists and the academic community in the progress of select committees as evidenced by the submission of evidence to the Procedure Committee Enquiry (HC 19 op cit.) The Study of Parliament Group has maintained a consistent monitoring of the progress they have made. (Drewry et.al. 1985 and 1989)

This latter body has perhaps exhausted the benefits of the purely quantitative assessment of outputs and there needs now to be a basis for defining measurable elements as part of a qualitative emphasis on outcomes and a rather more prescriptive approach to defining best practice. The efficacy of the research method utilized here may have some bearing on the future of academic monitoring of the progress of committee system and especially on the approach to measuring 'success'.

17. The Matrix approach and the triangulation of 'mode', issue-type and intervention in the policy life-cycle may

provide a sound basis for future research direction.

All groups, individuals and agencies with a professional or other practical interest in the policy area covered by a select committee investigation should recognise the potential value which may be contained in the investigative activities of the committee. Irrespective of the Report's ability to directly influence government policy, it may very well be a valuable compendium of developments in practice, a summary of the latest research data and an encyclopaedia of the latest thinking in the field under review.

Indeed, in the field of environmental conservation with which we have been concerned, the imposition of standards is more likely to come from the EEC than from HMG. The evidence and research data provided by European officials may be more valuable as performance indicators than national targets.

18. **As in the example of the Social Services Committee's 1984/5 "Care in the Community" report (not examined in detail in this thesis), reports may provide the whole policy community with a handbook or manual for the implementation of concepts not fully worked through in policy, budgetary or ministerial edicts from the government department involved.**

Concluding comment

As the reformed departmental select committees move into their second decade and the mother of parliaments approaches a new century and new links with Europe, the ability of backbenchers to scrutinize and influence the Executive, be it a powerful and dominating one or one which balances the forces of a 'hung' parliament, is as important as it has ever been. Modest development at a pace which "keeps the mean between the two extremes of too much stiffness in refusing and too much easiness in admitting" the right of governments to govern and right of Parliament to demand redress, should ensure that the select committees consolidate the substantial, if undramatic achievements, sampled here; build upon the role that Norton has described as "the most important means of ensuring open government" and give succour to the forces of pluralist democracy upon which the British state is based.

If the recommendations listed above, together with the far more extensive procedural proposals which came from the Procedure Committee review, are adopted, there is every chance that these modest objectives will be attained.

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Appendices

1: Recommendations and responses to ten select committee reports on Environmental topics. 1983 - 1987

2: Standing Order 99 of the House of Commons 1979 - 1983 (HC 307 Session 1982/3

Index To Appendices

Appendix One

Appendix Two

Appendix One

Recommendations of Select Committees made in the reports listed at Vol. 1. page 181 table 3 together with responses made by appropriate Minister or public body.

The Green Belt and Land for Housing: HC 275 1983/4: HC 635 1983/4
Hansard Vol 63
No. 185 Col: 161/2

Recommendation	Response
1. 'We consider Green Belts have a broad and positive planning role; that of open spaces whose presumption against development can better shape urban areas, particularly on a regi nal scale. We recommend that the circulars should state this unequivocally.' (Para. 12)	The Government accepts the recommendation and paragraph 1 of the circular recognises the broad and positive planning role of Green Belts.
2. 'We recommend that a fourth bjective - to assist urban regeneration - be put into the draft circular.' (Para. 14)	The Government recognises the importance of Green Belt policy in assisting the regeneration of urban areas, and paragraphs 1 and 5 of the circular refer to this.
3. 'We recommend that the circular uses the phrase "as far as can be seen ahead" to define the longevity of Green Belts' (Para. 17)	The Government accepts the Committee's recommendation which is reflected in paragraph 3 of the circular.
4. 'We recommend that in drawing boundaries no account should be taken of the condition of land and that this sh uld be specified in the circular.' (Para. 22).	See reply to Recommendation 13.
5. 'We recommend that the Government make it clear that, once fixed, boundaries will not be moved to release Green Belt land which is or has become derelict.' (Para. 22)	

6. 'We recommend that the need to give Green Belt status to pockets of land between urban areas within conurbations be explicitly set out in the circular.' (Para 24)	One of the objectives of Green Belt established in 1955 was to prevent neighbouring towns from merging into one another. Approved structure plans include some areas of Green Belt established for this purpose within urban areas, as described in the Committee's Report. Such areas are sometimes referred to as "Green Wedges". The Government accepts the importance of protecting such areas and paragraph 6 of the circular refers to this aspect.
7. 'We recommend that the draft circular should give greater emphasis to countryside enhancement, and that it should become a factor within Green Belt development control.'	The Government recognises the recreational value of the Green Belt. Paragraph 6 of the circular refers to this aspect and has been amended to draw attention to the scope for local authorities to work together with land owners and voluntary groups to enhance the countryside.
8. 'We recommend that the Government builds the concept of countryside management into the draft circular, and consider whether more can be done to promote such a service in Green Belt areas.' (Para. 28).	
9. 'We recommend that national and local government should give full support to Groundwork-type initiatives in all Green Belts, including additional funding if evidence exists that such funding will generate considerable extra investment of private and voluntary sector resources.' (Para. 29)	The Government has given strong support to the Groundwork concept and has made funds available to the Countryside Commission to encourage the establishment of further Groundwork Trusts. This support is now to be taken a stage further following the announcement by the Secretary of State in a speech in Liverpool on 13 July of the intention to set up an independent body, the Groundwork Foundation, to assist in the formation of new trusts, to encourage the exchange of ideas between existing trusts, to give guidance on opertions and to attract further support from the private and voluntary sectors.

10. 'We recommend that a direct system of appeal by a third party to the Secretary of State be introduced, in cases where not only local authorities but also statutory undertakers and Government departments wish to grant themselves, or any other public body, planning permission in a Green Belt.' (Para. 2)

In the Government's view this recommendation needs to be considered in the general context of the position of third parties in the development control system. The system of development control under the Planning Acts makes provision whereby the views of third parties can be taken into account in the consideration of development proposals. The limitation imposed upon developers by the introduction of planning control was accompanied by a right of appeal against refusal of permission. Successive governments, however, have not considered an extension of this right to third parties to be justified. A third party right of appeal would be bound to introduce further delay into the planning process and unduly impede legitimate development activity, including the creation of new industry, the expansion of existing firms and the improvement of our housing stock. The proper course, in the Government's view, is to ensure that the planning system takes full account of the issues raised by development proposals in the first instance - that is to say, in the local authority's consideration of the planning application rather than by introducing a right of appeal for third parties.

The Government accept that there are bound to be circumstances, both in Green Belts and elsewhere, where a case is so important that its determination should not be left to the local authority, but they consider that the best way of achieving this end is through the existing call-in procedure rather than through the creation of a third-party right of appeal.

11. "We recommend that when an appeal by a developer (in the green Belt) is refused by the Secretary of State, then all the costs of the local authority should be awarded against the developer, and that this sanction should be used as a matter of course. Conversely, we recommend that outside Green Belts and other areas subject to conservation and restraint policies, where the presumption should be for development, this sanction should also be more readily used against local authorities acting negatively". (Para. 33)

The Secretary of State's jurisdiction to make an award of costs following a planning appeal is at present limited to the costs of the parties at an Inquiry (except in the case of appeals relating to the enforcement of planning control) although an extension to other appeals dealt with by written representations is under consideration. The practice in relation to such awards is based on the recommendations of the Council of tribunals in a report on the Award of Costs at Statutory Inquiries which was presented to Parliament in September 1964 (Cmnd.2471). The Council recommended that, in planning inquiries, costs should not normally be awarded except in cases where one of the parties had behaved unreasonably.

The Government believes therefore that present practice already meets a great deal of the Select Committee's concern and the policy set out in Circular 14/84 on Green Belts will make it easier to identify cases where a planning appeal is clearly unreasonable.

12. "We recommend that the Government should frame more detailed guidance on appropriate development to encourage uniformity of practice". (Para. 34)

The development control policies applying in Green Belts are contained in structure plans and the approval process provides an opportunity to examine the case for any local variation from the policies in MHLG 42/55 to meet particular circumstances. Any variation is also tested against the need, identified in paragraph 11 of MHLG Circular 50/57, for a consistency of approach across local authority areas within the same Green Belt. The Secretary of State is satisfied that this approach achieves a reasonable balance, providing a broad measure of consistency while allowing local variation, and recognising that

	what may be acceptable in one area could be intrusive in another.
13. We recommend that development should only be allowed in the most exceptional circumstances, and never when land has been deliberately allowed to become derelict'. (Para 35)	The Government recognises that land that is suffering from disuse or neglect may form an important part of the Green Belt and, if so, needs to be protected and maintained. Paragraph 6 of the circular refers to this aspect but also says that, in considering whether to include such areas within the Green Belt, where detailed boundaries have not yet been established, authorities should also consider carefully whether the land could be better reserved for future development and thus ease the pressure on other land that should have the long-term protection of the Green Belt. The paragraph has, however, been amended to take account of the Committee's recommendation 13.
14. "We recommend that the Government should give greater guidance certainly at regional level". (Para. 42)	The Government provides a good deal of information to authorities which can be used in the preparation of their plans. In particular, population and household projections are published down to county level. As well, the Government prepares policy guidance, in consultation with local planning authorities, when such advice seems practical and useful. For example, guidance for the South East and West Midlands regions was issued in 1980 and more recently the Government issued guidance on the impact of the M25 which was welcomed by the Committee. In addition, proposals have been made for providing strategic guidance for London and the Metropolitan areas following the abolition of the Greater London Council and the Metropolitan County Councils.

15. 'The best means of protecting valuable amenity land is to ensure an acceptable choice is available elsewhere. We recommend that the draft circular should emphasise this'. (Para. 52)	The Government agrees with this and paragraph 3 of the circular emphasises this point.
16. We recommend that Government should monitor the operation of land availability studies and specify clearly in the circular how frequently they should be conducted'. (Para. 56)	The Government agrees with the Committee about the importance of these studies and the need for them to be up-to-date. This is made clear in paragraph 16 of the circular. It is also importnat that the studies should be monitored and this work is carried out by the Department of the Environment as described in the Memorandum submitted to the Committee. Paragraphs 68 to 71 of the Committee's Report deal with phasing policies. The Government welcomes the Committee's endorsement of the view expressed by the Secretary of State in his evidence, and paragraph 9 of the circular has been amended to reinforce this point.
17. "We recommend that pilot studies using Miss Coleman's or other methods be commissioned, including that proposed by the Land Decade Educational Council, and the results evaluated against the results of the Finance Survey-based project already commissioned by the Department" (Para. 57)	The Government agrees that better land use information would help to assess the success of policies for protecting the Green Belts and the countryside, encouraging urban regeneration, and making adequate land available for development. As the Committee recongised there are varied views on the best ways to gather land use information. The Department of Environment, in association with the Scottish and Welsh Offices, has conducted pilot studies of a method of monitoring changes in land use by the Ordinance Survey. This has emerged as a feasible and cost-effective method and it has already been announced that national information of this kind will be gathered from January 1985, with the first

	results becoming available in 1986. This will provide new indications of the pace of land use change. It will not, however, provide a measure of what percentage of land in a particular use has changed. To achieve this requires a survey of the "stock" of land uses. The Department is therefore also considering ways of doing this and consultants are being appointed to assess the alternative survey methods including those mentioned by the Select Committee, and to advise on the reliability feasibility and costs.
18. "We recommend that sites over 0.2 hectares be included in the derelict land registers." (Para 61)	Lowering the minimum size of registrable land to 0.2 hectares could increase the number of register entires by, it is thought, a factor of two or three. The work involved in compiling and maintaining the extra entries would detract from the main priority of action to encourage the release of land from the registers. When staff resources permit the proposition will be considered again.
19. We recommend that the Government investigates the problems of adding title to property set out by the City of Manchester, and takes action to remove this problem by statutorily guaranteed absolute title if necessary".	These matters are known to the Department of the Environment and are being examined.
20. "We recommend that local authorities should recognise that there is a role for the private sector in assisting urban regeneration, and we acknowledge that some already do. We also recommend that the Secretary of State should consider more active use of his reserve powers where necessary to meet the criticisms we have received". (Para. 66)	The Government agrees with the Committee that there is an importance for the private sector in assisting urban regeneration. It has already taken a number of steps to encourge this, and it hopes local authorities will increase work in partnership with the private sector.
21. "We recommend that the rate of	With regard to the release of

such disposals should be increased". (Para. 67)	unused or under-used publicly-owned land the Secretary of State for the Environment is ready to use his power of directing the disposal of land on the land registers whenever it appears justifiable to do so.
22. "We recommend that Derelict Land Grants should be demand-led". (Para. 79).	The Government agrees with the Committee about the importance of derelict land grants in promoting urban regeneration. However, grants do not go principally to joint local authority/private sector schemes. Out of the £74m public expenditure provision for 1984-85 these projects (known as category A) accounted for £15m of new starts expenditure in the year out of a total of nearly £25m for category A overall. Thus the references to £1 billion and £½ billion of private money in paragraphs 78-79 are incorrect. The schemes approved for 1984-85 are expected to lead to some £93m of private investment. Such schemes are, however, subject to the uncertainties of the market, and it is not possible to predict what the eventual private sector outlay in any year will be. The number and reliability of authorities' category A bids have not so far made it possible to sustain a category A programme of more than £15m of new starts. Even if the private sector demand were more certain, however, the provision for derelict land grants would necessarily be subject to the overall constraints on public expenditure.

23. "We recommend that the Derelict Land Grant requirement to complete reclamation within 12 months should be scrapped". (Para. 80)	There is no requirement that either the reclamation and the development together, or the reclamation by itself, have to be completed within 12 months. This provision is intended to be an incentive to prompt execution of the work, and is not an absolute limitation. If there is good reason why reclamation cannot be completed within the year a contract for later disposal to the developer is permissible. The Department has no evidence of difficulties over these arrangements, but will keep the position under review.
24. "We recommend that the Government should review its Derelict Land Grant Award procedures with a view to making them more amenable to the needs of private developers and local authorities". (Para. 82)	The Government is conscious of some procedural problems that have arisen over developments recently in the arrangements for the bidding cycle and the system of annual allocations. These have come about through accelerating expenditure and changing prioirities. A review to secure improvement has been put in hand.
25. "We recommend that the Government should assess why local authorities and developers are encountering difficulties in Urban Development Grant applications and take remedial action". (Para. 84)	The Government recognises that in the early days of UDG there were some misunderstandings about the nature of the scheme and the information that had to be provided in support of applications. A number of steps have subsequently been taken to draw attention to the availability of UDG and to the procedures by which applications are appraised. The Government considers that the difficulties over the administration of UDG mentioned in the Committee's Report are largely being overcome but it will continue to monitor the operation of the programme.

26. "We recommend that if, even with a demand-led grants system, local authorities are unsuccessful, then further consideration should be given, together with the authorities concerned, to setting up urban development corporations". (Para. 86)	Section 134 of the Local Government and Planning Act 1980, empowers the Secretary of State for the Environment to designate urban development areas, and to set up Urban Development Corporations to manage the areas, in any metropolital district or inner London borough. The UDC powers and funding arrangements are designed for areas of unusually severe physical decay, requiring substantial expenditure on site treatment and infrastructure before private investment can be attracted. The Government believes that the special circumstances and needs of London's dockland and parts of Merseyside justified the establishment of these arrangements, and considers that this has been vindicated by the success of both UDC's in making rapid progress with the task of reclamation and regeneration. The Government considers, however, that problems of a similar scale will remain the exception rather than the rule, and that it would be neither justifiable nor practicable to establish urban Development Corporations on a widespread basis. In general, the powers and grant-aided programmes available to local authorities should provide sufficient incentive to achieve regeneration where the will is there.

Recommendation	Response
1. We recommend that BRE be commissioned to conduct detailed research into the effects of acid rain on different types of stone and concrete in a variety of environments.	The Building Research Establishment (BRE) has been commissioned to conduct research into the effects of acid rain on materials of economic importance, including stone, concrete, slate, plastics, paint and glass. The programme will comprise both laboratory and atmospheric studies and will cover factors such as temperature, humidity, variations in wetness with time, materials, composition and concentrations of particular air pollutants known or suspected to cause deterioration. In addition a separate research programme on the micro-climate around buildings is being undertaken in which local meteorological factors affecting the movement of wind and rain close to building surfaces are being studied. The Department of Environment (DOE) is also proposing to fund work at the National Physical Laboratory on the corrosion of metals by air pollutants and is in discussion with the University of Manchester Institute of Science and technology regarding a programme on the interaction of air pollutants with building materials, with special emphasis on NO_x.
2. We welcome the commitment of PSA's Chief Executive to conduct a short survey of acid rain damage. We recommend that suitable cases should as a matter of course be referred to BRE, and that PSA use a selection of buildings in different materials to monitor any damage additional to natural weathering.	PSA has now completed its short regional survey of acid rain damage and will refer the cases of damage identified to BRE as subjects for their further research. Cases identified in the future will be treated in the same way. PSA is also making arrangements for a selection of buildings in different materials on its estate to be monitored for damage additional to natural weathering. BRE has agreed

	to assist in this if required.
3. We recommend that a substantial research programme on the effects on buildings of low-level emissions be initiated.	Studies of the deterioration in the fabric of buildings of notable historic importance, specifically St. Paul's and Wells Cathedrals, have been in progress for several years. The work has been jointly undertaken by staff from BRE and University College London. Future work will include Lincoln Cathedral, and will look particularly at the effects on stained glass windows. BRE has in the past commissioned studies from the British Glass Industries Research Association on methods of reducing environmental attack on mediaeval windows, from Aston University on evaluating the synergistic effects of air pollutants (ozone, NO_x, SO_2) on plastic and surface coatings, and from the Paint Research Association on the soiling of and damage to paint surfaces. Existing studies on natural stone are being extended to monitor damage in regions with higher pollution levels than those generally existing in urban areas. Bolsover Abbey has been specifically chosen for this purpose because of its close proximity to an industrial complex. The results will be compared to those from the Wells Cathedral Project.
4. We recommend that the Government give urgent and immediate consideration to the cost/benefit of preventing the avoidable erosion of both historic and modern buildings.	Urgent attention is being given to evaluating the extensive damage to buildings arising from wet and dry deposition and ways of preventing these effects. Methods of preventing acid deterioration of natural stone have been developed by BRE, but they are expensive and can be used economically only on especially vulnerable external surfaces (see para. 3.20). Two important factors have to be resolved in evaluating the cost/benefit of preventative action. The first is to quantify

	the area of materials at risk, and the second is to deduce the dose-response relationship for existing and projected levels of atmospheric pollution. The BRE programme is designed to provide a basis for assessing both these factors and to establish what can best be done, at least cost to the community, to preserve the heritage and secure the design life of modern buildings and other constructions.
5. We recommend that the Forestry Commission using its own and West German experts, conduct a survey on the same lines as that in Sweden forthwith.	The Forestry Commission is now undertaking a survey of the health of Norway and sitka spruce and Scots pine in Britain. In order to take advantage of the experience gained in such surveys in West Germany, a scientist from the Lower Saxony Forest Research Institute was invited to visit sites in Scotland, England and Wales in September 1984 and his advice on methods and the design of the survey has been accepted. Following the initial survey, a number of the sites will be designated for long-term monitoring.
6. We recommend that the Forestry Commission undertake detailed NO_x and ozone monitoring and begin research into acid rain and trees.	The Government considers that detailed NO_x and ozone monitoring should remain part of the DOE's responsibility and that the recommendation should be acted upon within the Department's overall air pollution monitoring plan, which is drawn up in consultation with the Forestry Commission and other appropriate Government Departments. The DOE is planning to extend its NO_x and ozone monitoring networks substantially, partly in response to recommendations made in the 10th Report of the Royal Commission on Environmental Pollution. A network of about 20 NO_x and 10 ozone monitoring sites is currently being considered. The installation costs of such a network would be in the region of £400,000 and the annual

running cost approximately £150,000. By the end of 1985, the UK will also have 9 primary sites in remote areas (5 are already operational capable of measuring a range of air pollutants including SO_2, particulates, anions and cations in precipitation and ultimately, NO_x, ozone and hydrocarbons. These sites contribute results to meet UK international obligations arising from our membership of the UNECE co-operative programme for monitoring and evaluation of long range transmission of air pollutants in Europe (EMEP).

In the same recommendation the Committee say that the Forestry Commission should begin research into acid rain and, by implication, ozone and trees. Extensive research is already being funded in these areas by DOE and NERC at Research Council laboratories such as the Institute of Terrestrial Ecology (acid rain), universities like Imperial College (ozone) and the Meteorological Office which undertakes both experimental and theoretical research into the dispersion and chemical transformation of pollutants. The Forestry Commission provides assistance to these bodies and has recently put in hand in-house research into the effects of air pollution on the health and growth of trees in forest areas. Specific measurements of pollution will be made for experimental purposes in addition to information acquired from DOE's background monitoring.

7. We recommend that the Government commission research on the effects of acid rain on materials, and on means of protecting them, as a matter of urgency.

For several years the BRE has collaborated with the Central Electricity Generating Board (CEGB) on a programme exposing a range of building and construction material to ambient levels of air pollution around power stations and at a CEGB site at the Glasshouse Crops

	Research Insitute at Littlehampton, Sussex. Stone samples which have been exposed for a designated period at these sites are currently being examined at BRE to evaluate the extent of deterioration. The present intent is to continue the programme and to take advantage of the special exposure facilities available at the CEGB sites. BRE has also been working for many years on protective measures for stonework. The well known Brethane treatment is effective but expensive and has only been used to protect exposed stone surfaces that are particularly vulnerable, such as stone statuary on historic buildings. Other less expensive methods of preservation which restrict the ingress of pollutants and acid waters into stones are also being studied, including the use of silicones, silicates, stearates and acrylic formulations. So far these have not proved as effective as the Brethane treatment. Work is continuing. The main agents that damage organic materials such as rubber, plastics and paints are UV radiation, ozone and photochemicals. Most damage to these materials occurs in urban areas, and motor vehicles are the main source of the precursors which give rise to ozone and photo-oxidants. The Government is currently considering research proposals in this area in addition to the programme on building and construction materials already mentioned.
8. We recommend that research on visibility degradation be commissioned.	A study of the records of the Meteorological Office shows that since the Clean Air Act, the incidence of fogs in the UK has generally decreased significantly. There is no evidence of any recent reversal of this trend. However in some areas there is evidence of an

	inverse correlation between visibility and ozone concentration. This is due partly to the generation of some particulate matter being linked with the same air chemistry reactions as are involved in the local generation of ozone. But other factors such as prevailing meteorological conditions and humidity are often the over-riding factors determining visibility. This means that the monitoring of atmospheric visibility is not a good method of detecting atmospheric pollution. Generally it is more satisfactory to measure directly the concentration of individual pollutants. The Government will consider further the need to set up a research programme into the causes and control of reductions in atmospheric visibility, building on early work undertaken by the Meteorological Office, Warren Spring Laboratory and Environmental Sciences Division, Harwell.
9. We recommend that the Government should commission research in this country on all aspects of risk to human health to which US, Swedish and German research has drawn attention, with a view to establishing whether similar risks exist in this country.	Within the UK it has been demonstrated that the clear-cut acute effects of air pollution on health linked with the former high concentrations of smoke and sulphur dioxide in towns have been eliminated, principally by actions taken under the Clean Air Acts. There are other pollutants in urban atmospheres, derived from both stationary and mobile sources, that could adversely affect health, at relatively high concentrations, but present ambient concentrations are not such as to suggest the likelihood of significant effects. Thus NO_2 concentrations in the UK do not exceed the World Health Organisation (WHO) guidelines, although there may be isolated exceptions. It is not therefore considered that NO_2 levels in the UK represent a significant environmental health risk.

	The Government will initiate a limited programme to determine mercury levels in fish originating from acid waters on catchments naturally rich in heavy metals.
10. We recommend that a rural network of monitoring stations at different altitudes over the whole country be set up.	The Government agrees that monitoring of air pollution in rural areas is essential. There already exists a network of sites over the whole country to monitor atmospheric levels of sulphur. In addition to these measures (and as stated in paragraph 3.16) the Government intends to have in place by 1985 a primary network of nine well instrumented sites in remote areas providing national background levels for a range of air pollutants and reporting to the EMEP. Finally the Meteorological Office and DOE are funding research which will lead to the development of mathematical models capable of predicting variation of precipitation with altitude over mountainous areas.
11. We recommend that greater impetus be given to the perfection of PFBC technology for commercial use.	The Government agrees with the Committee that pressurised fluidised bed combustion (pfbc) technology offers excellent prospects for emission control at relatively low costs. It is for this reason that the Department of Energy is contributing to the joint CEGB/National Coal Board (NCB) design studies for a full-scale generating plant based on pfbc. Decisions on the expansion of work on this promising process will be a matter for the two industries in the light of these design studies and in the light of the £25m two year joint development programme at the pfbc experimental facility at Grimethorpe which the two Boards recently announced.

12. We recommend that the necessary resources be devoted to FGD by the CEGB, not least in order to reduce its cost.	This is a matter in the first place for the commercial judgement of the CEGB which in accordance with the polluter pays principle would have to meet the costs of any environmental controls with which it was required to comply. The Board's task is to prepare itself to meet any such controls, using means which are economically feasible and technically adaptable. To this end, the Board maintains a substantial programme of evaluation of the various FGD systems which have been developed, especially in Japan and the USA, and which have been in commercial use for some years.
12a We recommend that further encouragement be given to the development of British technology both through NCB and CEGB research and through grants towards development costs by the Department of Trade and Industry.	The Government agrees that the development of British technology should be encouraged. Development work by the NCB and CEGB is directed towards the efficiency and competitiveness of their oeprations and to this end both Boards have in hand work which is relevant to the control of emissions. The Government itself recognises both new low-pollution combustion techniques and emission control technologies as worthwhile areas for sponsorship. It is important that UK industry should run with the leaders in this field. The Government has provided financial assistance to a number of companies in this area. Future assistance of this kind will, however, be dependant on the outcome of the review, announced on 12 Novmeber, of Government financial support for innovation.
13. We recommend that any programme to limit NO_x and hydrocarbon emissions from motor vehicles should be based on lean-burn technology.	The Government accepts that new standards for emissions controls should be achievable by lean-burn technology. Vehicle emissions in the European Community are governed by a Council directive which was amended in June 1983 so as to

	reduce HC and NO_x emissions by about 30 per cent for all new cars from 1 October 1986. Discussion has already started in Brussels on a further amendment to this directive, to become operative between 1989 and 1991. The UK is arguing that emission standards for the end of this decade should be set at levels achievable with lean-burn technology. The potential exists for a further reduction of 25 per cent in combined HC + NO_x and 40 per cent in NO_x alone within this time scale. Subject to Community agreement therefore, a 40 percent reduction in NO_x levels can be achieved.
14. We recommend that those industries reliant on high combustion temperatures, for example the cement and glass industries, should not have NO_x controls put upon them.	The Government agrees that in industries where, in the judgement of the Industrial Air Pollution Inspectorate and equivalent Inspectorates in Scotland and Northern Ireland (the Inspectorates) NO_x controls would not constitute best practicable means, such controls should not be required.
15. We recommend that the UK should follow what is known as the "bubble approach": it should, in agreement with its EEC partners, agree an overall level of reduction. Each member country should determine how to achieve that. We recommend that existing, small industrial plant should be excluded from emission controls. All new plants should meet SO_2 emission levels contained in the draft Directive, and all those not reliant upon high combustion temperatures should meet the NO_x levels.	(See response to recommendations 17a below)
15a Insofar as industry is concerned, we are aware that for some the high costs of	

meeting control standards may render them uncompetitive, and for others, even if cost is not of major consideration, it would be impractical to install control technology. Accordingly, we recommend that: 1. EC emission control levels for SO_2 should apply to all new industrial plant over 50 MW from 1.1.89; 2. For all existing plants the stringent application of "best practicable means" by the Air Pollution Inspectorate should continue; 3. The Government should give assistance to industry to convert existing plant to meet SO_2 control standards.	
16. We recommend that in any review of the desirability of combined heat and power/district heating, full account should also be taken of the pollution aspects highlighted by our report.	The Government is taking account of the potential for energy efficiency of the use of combined heat and power technology. A report by W. S. ATkins published in 1984 by the Department of Energy discussed the possible national benefits of large scale combined heat and power technology. As a result of this report the Government has invited proposals for consortia led by the private sector for preparation of a prospectus for up to three UK city schemes. Full consideration will be given in this programme to minimising polluting emissions.
17. We recommend: a. that the United Kingdom join the 30 per cent club immediately, and that this target be achived by the CEGB being required to reduce its emissions accordingly:	(See 17a below)

b. that in the medium term as power stations come to be refitted the CEGB should be required to install equipment to attain the overall national reduction of 60 per cent in accordance with the EEC draft directive, that is, by the end of 1995.

17a i. We recommend consistent with best practicable means that all power stations should have low NO_x burners installed during routine shut-downs. With the exception of those industries totally dependent on high combustion temperatures, which we feel should continue to explore other means of reducing their NO_x emissions, we recommend that all industrial users be required to fit low NO_x burners. We recommend that Government give assistance to industry to install low NO_x burners in existing plants.

The recommendations in these paragraphs are closely inter-related. The question addressed is that of reduction of SO_2 and NO_x emissions from industrial combustion plants and the manner in which such a reduction might be achieved.

The present position in the UK is that industrial operators are controlled by the Inspectorates, which have required the use of the best practicable means to prevent emissions to their satisfaction. Judgement of what is practicable has taken account of the environmental effect of the emission concerned and of technical and economic feasibility of control. If the Inspectorates judge that it is not practicable to abate certain emissions at source, other steps have to be taken to render them harmless. The Inspectorates have accordingly required the abatement of dust emissions from power stations by the best practicable means, but have judged that abatement of SO_2 and NO_x emissions is not practicable because of the high costs involved. Operators have therefore been required to construct stacks sufficiently high to ensure that those emissions are dispersed and diluted in the air to reduce ground level concentrations of the gases to the minimum.

Emissions from other industrial combustion plans are controlled by

local authorities under the provisions of Clean Air legislation. The effect of this legislation is much the same as that achieved by the Inspectorates under Health and Safety at Work legislation; grit and dust emissions are abated, and SO_2 and NO_x emissions are dispersed from chimneys.

The substantial costs of meeting the draft EC Directive have already been mentioned (paragraph 2.27): some £1.5 billion for power stations alone. This represents the costs of installing FGD at some ten major power stations at a capital cost and an annual operating cost of £150m and £35m respectively for each station. This would add some 5 per cent to electricity bills. Joining the 30 per cent club could require relatively little action to abate emissions if the trends in recent years (paragraph 2.21) continue. But stronger growth in electricity demand could reverse these trends and could entail the installation of FGD at a number of power stations involving expenditure of several hundred million pounds. Control costs for industrial plants would be even higher in relation to the emissions abated.

The Committee's recommendation that a 60 per cent reduction in emissions from large plants should be accomplished by 1995 by controls on CEGB power stations alone would be particularly onerous. Even on the assumption that power generation remained at the level of the past few years, achievement of the 60 per cent target would require retrofitting of controls to many more than the 10 major stations mentioned above. These would inevitably include a number of older stations with a short remaining life and low load

factors, substantially increasing the costs of such a programme and extending it well beyond 1995.

The Government will continue to keep under review projections of likely future emission levels. It also believes that there are good prospects that new and better combustion technologies which will lead to reductions in SO_2 emissions will be developed as a consequence of research now in hand or foreseen. In these circumstances the Government does not intend to commit the country to expensive emission controls, especially when there is uncertainty about the environmental benefits to be achieved in this country and in continental Europe. The Government intends to achieve further reductions in national SO_2 emissions, aiming at a reduction of 30 per cent from 1980 levels by the end of the 1990s.

Emissions of NO_x are far more difficult to estimate than SO_2 emissions, since combustion temperature as well as quantity of fuel influences the level of emissions.

It is therefore not yet possible to judge whether or when low NO_x burners could become the best practicable means of control, as the Committee recommend. In consequence, it would not be sensible to set a target or timetable for emission reductions from existing plants, or emission limits on new plants. There can also be no question of the Government assisting industry to convert existing plants; this would be contrary to the polluter pays principle which must apply to NO_x as it does to other emissions. However, economically feasible technology to reduce NO_x emissions from vehicles is further advanced.

	Against this background, the Government intends to achieve further reductions in national nitrogen oxide emissions from motor vehicles, aiming again at a reduction of 30 per cent of the 1980 levels by the end of the 1990s.
17a ii. We recommend that new motor vehicles be required to have reduced NO_x emission levels by 40 per cent by 1.1.87 and that the Department of Transport should inquire into the best possible means of reducing emissions from existing motor vehicles.	It is not clear what the Committee had in mind in recommending that the Department of Transport should enquire into the best possible means of reducing emissions from existing vehicles. The fact is that it is impracticable to use retrospective modificiation of existing evehicle engines to influence their gaseous emissions. Studies of NO_x emissions from existing vehicles in service have shown that they are generally well within the relevant standards to which they were manufactured and approved. Although NO_x emissions do not tend to increase with vehicle age, they do increase at high speeds. So possible means of reducing emissions from existing motor vehicles would, therefore, be the better enforcement of the 70 mile per hour speed limit, or some lower limit. Since high-speed motoring is a small proportion of UK total car mileage, however, the potential reduction in total NO_x emissions is very small. And, of course, such a proposal would raise much wider issues than the effect on air pollution.
18. We recommend that the Government make a long-term commitment to air pollution research.	The Government accepts that in the area of air pollution research there is need for long-term commitment. Its current and proposed research and monitoring programmes in air pollution (£2.5m for 1984/85 and (projected) £3.5m in 1985/86) provide an indication of the Government's resolve to continue these activities on a long-term basis. This will allow the impacts of variables such as

changes in emissions, land management and forestry practice to be adequately measured and evaluated over sufficiently long time scales.

19. We recommend that the Government require the emitters of SO_2 and NO_x from plants over 50 MW to monitor their emissions sources.

Emissions of SO_2 over extended periods are readily calculated from the sulphur content of the fuel and knowledge of fuel consumption. With any one fuel, a sulphur dioxide monitor would merely reflect the output of the plant.

The emission of NO_x depends on the conditions of combustion of all fuels and also, in the case of coal, on the nitrogen content of the fuel itself. With pre-set combustion conditions such as low NO_x burners and with any one particular fuel the concentration of NOx would not fluctuate greatly and would, in any case, be outside the control of the opeartor. There would therefore be little to be gained from the fitting of continuous NO_x monitors which, in themselves, are expensive and require considerable maintenance.

Recommendation	Response
1. A Minister should be given overall responsibility across departments for recycling policy, and empowered to take decisions which in this area inevitably involve economic, environmental and also energy issues.	Responsibility for waste recycling policy is at present divided between the Departments of trade and Industry (DTI), Environment (DOE) and Energy (DEn). Each Department's involvement stems from its wider responsibilities (DTI's industrial sponsorship, DOE's local government and environmental protection responsibilities, and DEn's overall energy role) and is integral with them. A transfer to a single Minister of responsibility for all aspects of recycling policy is not, therefore considered appropriate. Nevertheless, the Government recognises the importance of reclamation and recycling of waste and the need for proper co-ordination and direction of its policies in this area. The Parliamentary Under Secretary of State in the Department of Trade and Industry will therefore have a special co-ordinating responsibility for waste recycling issues. He will not have decision making powers in areas which are properly the responsibility of other Ministers but he will have a particular responsibility for identifying any inconsistencies or omissions in Government policy, which would then be dealt with through the normal inter-departmental processes, and for handling Parliamentary debates and Questions on general recycling matters which extend beyond the responsibilities of individual Ministers.
2. The Government should give the UK Reclamation Council the necessary financial support to publicise and promote recycling schemes.	The Government is very willing to discuss with the United Kingdom Reclamation Council specific recycling schemes, which, in the Council's opinion, need publicity and promotion. In view of the current constraints on public

	expenditure, however, the Government cannot guarantee to provide financial support.
3. The Government should make capital grants available to the appropriate tier of local authority - on perhaps a 50:50 basis - for specific approved recycling schemes.	The Government's general policy is to grant-aid local authority relevant expenditure primarily through the block grant system, and not to seek to control local authority priorities through specific allocation of funds for particular purposes. There are exceptions to this rule but these are limited in number. The Government do not at present intend to introduce specific capital grants for recycling schemes. Such an arrangement would in any event, do little to assist local authorities in undertaking capital projects. Under the capital control system, capital grants from Central Government are not treated as capital receipts for the purposes of supplementing prescribed expenditure allocations - they are simply financing - and authorities would be required to find the necessary resource cover from within their existing allocation. Furthermore, the amount of borrowing for capital purposes an authority could undertake in a given year would be reduced by the amount of any such grant received. To be effective, therefore, a grant would require to be accompanied by a specific allocation of an equal amount, as is the practice with Urban Aid projects such as derelict land. However, this would have to be accommodated within the overall PESC provision, with a consequent reduction in resources for other services.
4. The Government should encourage more Waste Disposal Authorities to follow the commendable example set by the GLC and others, whereby financial	This is already Government policy and the Government will consider what steps it might now take to further encourage this practice, including the possibility of

rebates are paid to Collection Authorities for glass which is recycled through the Bottle Bank Scheme.	issuing a Circular to local authorities on this and related matters.
5. The Government should give urgent consideration to the implementation of sections 12-14 of the Control of Pollution Act 1974.	The Government is currently considering whether or not to bring into operation the provisions of sections 12-14 of the 1974 Act. It is accepted that there would be considerable advantages in so doing, not least the clarification and codification of the powers and duties of local authorities in relation to various categories of waste, but the implications for public expenditure have to be carefully assessed in the light of the present financial constraints; both the Department of the Environment and the Local Authority Associations would be strongly opposed to a move to implement these sections if there was an expenditure increase. The DoE has now placed in the Library a summary of the results of a review of the costs of implementation. It is, however, not necessary to bring these provisions into operation for waste collection authorities to levy appropriate charges for collection of trade waste. General powers to collect and duties to charge are already available for this under the Public Health Act 1936 (Sections 73(1) and (2)). The levying of appropriate charges is considered critically important to securing progress. By the same token, it is important that those disposing of their waste, other than through waste disposal authorities, should be required to do so to adequate environmental standards, and thus bear the true economic costs of the option chosen. DoE is considering reaffirmation of these points in a Circular.

6. The Design Promotion scheme be extended to include recycling and reclamation.	The main purpose of the Government's design policy is to encourage a greater awareness amongst senior management in industry and commerce of the benefits companies can derive from good design. There is no specific reference to reclamation and recycling at present, but the Government agree that the message will be broadened to include a reference, where appropriate, to design for good resource management including the reclamation and recycling of materials.
7. The government should give incentives to industry, through use of section 8 of the Industry Act 1972, for companies involved in recycling.	The current position is that waste recycling projects are not excluded from support under the general facility criteria which were introduced under Section 8 of the Industry Act 1972 (now superseded by the Industrial Development Act 1982). However, to obtain support under these arrangements, projects would have to meet the very tight criteria which limit assistance to those which would not otherwise go ahead in the form or timescale proposed and for which exceptional national benefit can be demonstrated. A new scheme, specifically designed for waste reclamation activities, could be developed but the Government doubts the need for one.
8. The commendable Research and Development work at Warren Spring should be enhanced and greater collaboration with industry encouraged.	Research and Development at Warren Spring Laboratory into waste reclamation and recycling has been strongly supported by the Department of trade and Industry for many years and significant R&D projects are also supported by the Departments of Environment and Energy. The Government expect this support to continue although any enhancement must be judged against R&D priorities in other fields. Close collaboration with industry has been a main objective of this work and the Laboratory would welcome approaches or initiatives

	from industry, either from individual companies or organisations such as the UK Reclamation Council, aimed at identifying gaps in knowledge, increasing technical collaboration and technology transfer. In addition to the WSL work, particular emphasis is being given by the Department of Eenrgy to the promotion of waste as a fuel where this is environmentally acceptable and the most economic disposal route.
9. The Government should examine closely the possibility of taxation policy being used to encourage the greater use of recycled materials.	The present tax system does not discriminate against the use of recycled materials. A special tax relief to promote the greater use of recycled material would run counter to the Government's general policy of reducing or eliminating special tax reliefs which distort business decisions. The Government doubts that making an exception in this case would be either practicable or of benefit to the national economy.
10. Public purchasing policy as a whole should be directed towards the greater use of recycled materials whenever economically sensible, and Government Departments, local authorities and other public bodies should seriously examine the possibility of specifying percentages of recycled material to be used in the goods which they purchase, in all appropriate cases.	Public purchasing policy is aimed at ensuring the best value for tax-payer's money and the Government favours greater use of recycled materials whenever this is the more cost effective option. So far as paper is concerned, it is already HMSO policy to encourage the use of recycled fibre in the produces it purchases subject to considerations of performance and value for money. DOE Ministers announced in March 1984 their decision to use recycled paper for that Department's requirements for letter head stationery as soon as existing stocks are exhausted. the bulk of stationery used in DTI already has a recycled content. The Government hopes that public sector bodies generally will also examine the economics of using products containing recycled

fibre. On the other hand, the Government is not in favour of specifying in advance percentages of recycled materials to be used in goods which it purchases as such an approach would pre-empt the judgement of best value for money which public purchasing policy requires.

Recommendation	Response
1. The existing system of prior notification in national Parks (as modified in accordance with Recommendations 11 and 13) should be extended to the whole countryside. (Para. 21).	The Government understands the concern which led the Committee to recommend the extension of the system of prior notification and of Section 41(3) but it does not believe that such a blanket approach is justified in the circumstances. As the Committee itself acknowledged, it would result in modifications to fewer than 5% to 15% of cases which are currently modified under the National Parks notification arrangements. Yet to achieve this modest result would require considerable administrative effort with a heavy manpower commitment. Serious consideration of the environmental effects of farm developments cannot be confined to a purely desk exercise. This would do no more than provide an initial shift, leaving a sizeable number of cases which could only be sensibly assessed by means of careful study on location.
2. Section 41(3) should be extended to all applications for capital farm grants. (Para. 22)	The Government takes the view that within the limited resources available, expenditure related to conservation can be used most effectively by concentrating on areas of high environmental value. It will continue to use existing powers to refuse capital grants with that aim in mind.
3. Conservation should be given a greatly increased priority in the training and work of ADAAS staff, with increased formal guidance from MAFF on conservation objectives. (Para. 27).	The Government is happy broadly to accept this recommendation. Conservation has formed an element of the Ministry's advisory policy for many years, deriving from its duty under Section 11 of the Countryside Act 1968 to have regard to the desirability of conservation in carrying out its statutory functions relating to land. In recent years,

	principally following the new duty laid on Ministers by Section 41(1) of the 1981 Act, the Ministry has given a greatly increased priority to conservation within the activities of the Agricultural Development and Advisory Service. Although the Ministry's statutory duty in this regard is specifically to give advice to farmers on conservation, in practice its advisory policy extends well beyond this to active promotion of conservation wherever appropriate. The measures involved were detailed in the Ministry's written evidence to the Committee. There is broad agreement that farmers generally are showing an increasingly positive attitude towards conservation. Much of the credit for this is due to the painstaking efforts of the Agricultural Development and Advisory Service in bringing home to farmers the conservation message. The future scope and direction of the Agricultural Development and Advisory Service was the subject of a report by its Director-General, Professor Bell, published in September 1984. Within the overall resources available to the Service, the Report recommended that a further greater priority should be given, amongst other policies, to advisory effort related to the conservation of the natural beauty and amenity of the countryside. The Minister of Agriculture, Fisheries and Food has broadly endorsed those recommendations and has initiated detailed studies on implementation of the Report's main recommendations.
4. A working party should be set up to investigate ways in which the	The Government considers that the Committee seems to be under a

duties and administrative structure of MAFF could incorporate a stronger conservation element in all agricultural policy. (Para. 28)	degree of misapprenhension over the extent to which MAFF policies accord priority to conservation objectives. These are now looked upon as being a major part of the Ministry's overall responsibilities in pursuing a fair and balanced approach which takes due account of the needs of conservation, the agriculture industry and the consumer. As far as the Government is aware, the Committee sought no detailed evidence on the internal administrative structure of MAFF. The internal structure of the Ministry, like that of any Government Department, is kept under continual review, and this will continue in the normal way. In the case of MAFF, it is the duty of the Ministry's Management Board to ensure that policy needs are reflected in the structures of the Ministry. It was the Management Board which, after reviewing the Ministry's conservation and other environmental responsibilities, set up last year the Environmental Co-ordination Unit, the establishment of which the Committee welcomed. In addition a policy branch within the Lands Group has specific responsibility for the Ministry's conservation policy. Generally, the Ministry considers that, as long as there is proper provision for conservation policy formation and co-ordination, and of specialist knowledge and advice, it is better for those responsible for the various aspects of agricultural policy to have to include conservation elements in their policy consideration rather than to leave those elements to a separate structure.
5. The Government should urgently undertake a review of the whole	The Governmnent agrees with the Committee that spending priorities

use of the rural estate and produce a White Paper. (Para 29)	must be subject to continual review and that possible conflict between Departmental policies should be kept to a minimum. The Government does of course have considerable machinery designed to achieve these ends. Recent evidence of the effectiveness of this machinery is provided by the Government's positive response to the Countryside Commission's report "A Better Future for the Uplands", the launch of the joint Countryside Commission/MAFF experiemental scheme in the Broads, and the UK initiative which has been successful in securing the inclusion of more positive conservation provisions in the new Community structures regulation. The Government will continue to respond appropriately to other current issues of public debate affecting agriculture and the rural environment.
6. MAFF should fundamentally change its approach on financial structures so that resources are redirected away from environmentally-damaging operations and towards conservation-conscious methods. (Para 31)	In making this recommendation the Committee may not fully have appreciated the extent of the constraints on adjustments to the system of agricultural support. On the wider system of support provided under the EEC's Common Agricultural Policy, Government policy is to secure a reduction in the level of support for commodities in surplus, such as cereals, and its commitment to this objective has been voiced on many occasions by the Minister of Agriculture. But it is not open to the Government to act in isolation from the rest of the European Community. The Community is, however, beginning to respond to such arguments and the Government will continue to pursue the case for a more appropriate balance of agricultural support. But, as the Committee recognises, adjustments bring their own problems, as the introduction of milk quotas has shown so

	dramatically. The Government has recently succeeded in securing agreement to a new Structures package in Brussels, including provision for assisting farming in environmentally-sensitive areas. On capital grant policy there have already been considerable adjustments away from support from operations such as hedge removal and land reclamation and in favour of positive conservation measures. These moves are part of a coherent continuing policy of seeking the right balance between the needs of an efficient agriculture and the needs of conservation.
7. Sections 28 and 29 should be amended to allow positive conservation operations to be included in a notification with the list of PDOs and for Sections 32 and 41 to be amended to allow, explicitly, positive measures to be a part of management agreements, in line with section 39. (Para 44)	The Government agrees with the Committee on the importance of positive conservation complementing agreed restrictions on potentially damaging operations. In the Government's view it is misreading the Act to construe that as presently worded it discourages the possibility of positive conservation oprations. Indeed, there are a number of outstanding examples of agreements which emphasise the positive aspects of management and which illustrate that the Act as it stands covers this point adequately. The Nature Conservancy Council intends to take increasing advantage of its routine contacts with owners and occupiers as the SSSI re-notification programme proceeds and more PDO notifications are received to promote positive management. The Government will bear in mind the possibility of strengthening the reference to this in any future revision of the Code of Guidance published under Section 33 of the 1981 Act, which gives advice on

	the statutory provisions for protection of SSSIs.
8. A joint working party should be set up to review the Financial Guidelines and to consider the increased use of a system of standard payments. (Para. 49)	The Government agrees that the Financial Guidelines should be reviewed, to take account of the Committee's points. Experience gained in the application of the Financial Guidelines for management agreements since publication in 1983 has been relatively limited. Nevertheless the Government recognises the force of some of the criticisms that have been made of the Guidelines, particularly about their complexity, and it accepts the Committee's recommendation that a review of their content and presentation would be timely.
9. In the course of the review of the Financial Guidelines, the question of the landlord's capital interest may be taken into account and more ready negotiations entered into for an acquisition or outright purchase if he cannot otherwise be properly compensated. (Para. 51)	Accordingly, consultants Laurence Gould have been commissioned to undertake a wide-ranging review which will include study of the scope for increased use of a system of standard payments; of the case for new arrangements for compensating landlords for any long-term loss of capital value resulting from a management agreement; and of the development of techniques for direct comparison of the financial costs of management agreements - involving either annual or lump sum payments - with the capital costs of outright purchase by conservation authorities.
10. The outright purchase option should be used more readily to achieve long-term economies and Government book-keeping should be adjusted to meet the needs of the situation and not vice-versa. (Para 52)	Pending completion of this review the Government must obviously reserve its position on the Committee's recommendations on these matters.
	The statutory conservation agencies are grant in aid bodies: this enables them to exercise an effective degree of freedom in determining the manner in which resources are to be utilised within the overall totals

	determined by the Government and voted by Parliament. It is not the Government's view that book-keeping constraints prevent the NCC from exercising outright purchase of sites as an effective option and, indeed, sites are not infrequently purchased by the Council. The NCC, in common with other grant in aid bodies, is of course precluded from borrowing as a means of increasing the expenditure (and thereby, public expenditure as a whole) beyond the amount annually approved by Parliament. This is not a book-keeping constraint: it is part of normal expenditure control.
11. MAFF rules should be changed, if necessary by legislative amendment, so that grants are refused or reduced for operations which have been notified retrospectively. (Para. 56)	The Government fully accepts that retrospective notifications in National Parks can pose real problems for the administering authorities, but there can be a variety of circumstances in which such notification may take place. It would not necessarily be equitable or desirable automatically to withhold grant for a purely technical breach not involving environmentally damaging operations even if Agriculture Ministers had a clear statutory power to do so. Nevertheless the Government will discuss with the Countryside Commission and park authorities ways of achieving a better degree of compliance with the notification arrangements, especially in the context of the new capital grant provisions which is expects to introduce later in the year.
12. National Park Authorities should be enabled to apply for Landscape Conservation Orders to be made, analagous to Nature Conservation Orders under Section 29, as a power of last resort. (Para. 57)	National Park Authorities already benefit from an administrative requirement that they should be notified of any proposed scheme for which farm capital grant will be claimed. Section 41(3)(b) of the 1981 Act further provides that, where such an Authority has

	objected to the making of the grant on conservation grounds, Agriculture Ministers shall not make the grant except after considering the objection and, in England, after consultation with the Secretary of State for the Environment. The Government recognises that these arrangements do not cover proposed operations which are ineligible for farm capital grant or where a farmer is prepared to proceed without grant. In such instances National Park Authorities may not be informed of farmers' intentions and, even if they are, have no means of postponing a proposed damaging operation in the hope that it may be possible to negotiate a management agreement. The Government accepts that, in these circumstances, the powers of the National Park Authorities do not equate with those available to the Nature Conservancy Council and will therefore give further consideration to the Committee's proposition that they should be enabled to apply for Landscape Conservation Orders. Other important considerations, including the resource implications, still have to be evaluated and it is not possible at this stage to announce any decision.
13. MAFF should clarify and simplify its administrative procedures with respect to farm grant notification and consequent objections by NPAs. (Para. 58)	Neither the Countryside Commission's evidence nor the Committee's Report makes entirely clear the ways in which it would like administrative procedures clarified and simplified. The Ministry of Agriculture, Fisheries and Food and the Welsh Office Agriculture Department will, however, consult the Commission about the implementation of the new EC structures regulation and will be glad to pursue the matter

	in the course of those consultations.
14. Government should increase central grant aid for management agreements in all National Parks, the Broads and Areas of Outstanding Natural Beauty to 90% and for other areas to 75%. (Para. 59)	Local government has traditionally played a significant role in matters of scenic protection, partly because the canvas is a large one over which national executive responsibility must necessarily be limited (more than 20 per cent of the total land surface of England and Wales is designated as National Park or as an Area of Outstanding Natural Beauty) and because of the close relationship with issues of land use planning for which local planning authorities are responsible. This is reflected, for example, in the composition of National Park Authorities, to which two thirds of the membership are appointed by the relevant local authorities and, in the majority of cases, have the status of committees of the county council or councils concerned. In the case of Areas of Outstanding Natural Beauty, following confirmation of their designation by the Secretary of State, there are no statutory arrangements for separate administration; while the Broads Authority is a consortium of local and public authorities. It is against this background - the perceived importance of the local input - that the pattern of central grant aid towards the cost of management agreements to protect landscape has been established. The results of the recently-announced experimental grazing scheme in the Broads may have implications for the future pattern of management agreements, and the Government considers that it would be prudent to assess such

	results before any further changes in rates of grant aid are contemplated.
15. Consideration should be given to extending Section 43 to include areas in addition to moor and heath. (Para. 61)	The Government accepts this recommendation and recognises that there is a growing body of opinion in favour of broadening the scope of maps prepared under Section 43 of the Act to include areas in addition to moor and heath. The Committee's recommendation in this respect has been paralleled by the inclusion of a clause to that effect in the current Wildlife and Countryside (Amendment) Bill. That Bill seeks to amend Section 43 so as to place a duty on National Park Authorities to prepare maps of any areas of natural beauty which they regard particularly important to conserve, and to consult the Countryside Commission and other interested bodies on the criteria to be adopted and on the areas proposed for inclusion. Although the Government has indicated its support in principle for this measure, the view is taken that it would be preferable to restrict to open country the areas that would be mapped under the provisions of the new Bill and an amendment has been accepted which would achieve that. This amendment would also require the Countryside Commission to publish guidance on the criteria to be used in drawing up the maps, after consultation with interested national organisations; and require National Park Authorities to prepare and review the maps in line with such guidance.
16. The criticisms made to us in evidence, particularly about the performance of Internal Drainage Boards, should be taken into account in the revision of the DOE guidelines for water and	The Government agrees that the guidelines when revised should take on board the need for IDBs to consider the special requirements of conservation and is pleased that the Committee has recognised

drainage authorities (Para 67)	the significantly improved attitude of the land drainage industry towards conservation and that it is premature to consider modification of the Wildlife and Countryside Act 1981. Many of the points raised in evidence to the Committee had already been put to the Department during consultations on the review of the guidelines. The Committee's view that water authorities have responded reasonably well to the requirements of Section 48 of the Act is noted. Nevertheless, it recognises, as the evidence from the NCC underlined, that some IDBs have not done all they might in meeting the requirements of the Act. The Act and the guidelines covering Section 22 of the Water Act 1973 are recent and the industry has needed time to react. The administrative structure relating to land drainage is covered in the Consultation Papaer which was issued recently on the administration and financing of land drainage, flood protection and coast protection. This will enable the issue to be *thoroughly* discussed. However, the fact that the picture currently is not so black as is sometimes painted is illustrated by the history of the three proposals which the RSPB gave as examples in their evidence. The proposal relating to North Duffield Carrs has been withdrawn following rejection of grant aid, on environmental grounds, by the Minister of Agriculture; the West Sedgemoor scheme seems unlikely to be proceeded with, in the light of conservation objections; and no application for grant aid has been received by MAFF relating to the River Brue scheme.
17. A provision, analagous to	The Government accepts the aim of

Section 48 (which gives Water Authorities explicit duties towards nature conservation and the countryside), should be extended to the Forestry Commission. (Para 68)	the Committee's recommendation. It is pleased to note the Committee's appreciation of the efforts of the Forestry Commission with regard to conservation, and its acknowledgement that the Commission has been introducing new policies in line with the changing climate in which forestry now operates. The Committee recorded its belief, however, that there was still some cause of concern and recommended that a statutory duty be placed on the Commission in order to clarify its responsibilities towards conservation. Because of the impact that forestry can have on the countryside, the Government accepts that a new duty should be added to Section 1 of the Forestry Act 1967 which sets out the duties with which the Forestry Commissioners are charged. A replication of the duty placed on Water Authorities in section 48 of the Wildlift and Countryside Act would not be appropriate since the activities of the Forestry Commission and the Water Authorities are very different: a duty on the Commission will have to be framed in such a manner as to take proper account of the way in which it operates. This would appear to be what the Committee had in mind when it recommended that such a provision should be analagous to - rather than the same as - Section 48 of the Act. The Government already requires the Forestry Commission in undertaking its Departmental duties - both in relation to its Forestry Authority and Forestry Enterprise roles - to pursue policies and practices that represent a reasonable balance between forestry and conservation. The Government is therefore

	supporting a clause in the Wildlife and Countryside (Amendment) Bill designed to give statutory effect to this.
18. As a matter or urgency, DOE and MAFF should take action to break the deadlock in negotiations, if necessary by amending Sections 36 and 37 of the Act, so as to give the NCC or the Secretary of STate adequate powers to enable the NCC to set up Marine Nature Reserves. (Para. 72)	The Government shares the concern expressed that the Nature Conservancy Council has not so far been able to achieve agreement to specific proposals for Marine Nature Reserves. it does not, however, believe that the possibilities offered by the present legislation for resolving such difficulties have by any means been exhausted. It believes that the voluntary principle embodied in the present legislation is important, not least because the co-operation of local people as well as of relevant authorities is especially important to the effective policing of conservation bye-laws in a marine environment. Negotiations and discussions are proceeding well in respect of certain areas proposed for designation. Where this is not the case the Ministry of Agriculture, Fisheries and Food, together with the Department of the Enviornment and the NCC, are urgently examining how best to overcome the difficulties encountered in giving effect to the existing statutory provisions. In these circumstances the Government considers amendments to Sections 36 and 37 of the Act to provide stronger powers neither necessary nor desirable at present.

Recommendation	Response (The Welsh Water Authority)
1. Private discharges to coastal waters should be catalogued by the WWA, and when full implementation of the Control of Pollution Act 1974 permits their regulation, consent procedures should ensure that they do not discharge undisintegrated faecal material to recreational areas. Progress should also be made in eliminating such discharges in other coastal waters.	We are advised that the Government will make the necessary statutory changes to all discharges from land to coastal waters under control by lifting the exemption order presently in force under the Control of Pollution Act 1974. The exemption order applies to certain existing discharges made by water authorities and many private discharges. Any discharges containing List 1 and List 2 substances as defined in the EC Dangerous Substance Directive are already under control. Water Quality Staff of the Authority have already been instructed to start cataloguing the discharges presently exempted. When notification of the lifting of the exemption order is received advertisements will be placed in appropriate newspapers advising dischargers that they must apply for consent for their discharge. Initially they will be given "deemed" consents which will allow the existing discharge to continue as at present. Such consents will, over a period of time, be reviewed so as to match discharge quality to the quality objectives set for the receiving water. The requirement of the Committee will therefore be met.
2. There should be a statutory requirement for MAFF to consult with the Water Authorities over the regulation of sewage sludge dumping to the sea.	Welsh Water has already reported to the Committee that the Ministry of Agriculture, Fisheries and Food regularly consults it on any application for a licence for dumping at sea off the coast of Wales. The agreement is an informal one, copies of any application for a new licence or for a renewal of an existing one are sent to Welsh Water for

	comment. Whilst this arrangement appears to be working well there is no reason why it should not be made a statutory requirement for MAFF to consult water authorities and local authorites off whose coastline the discharge will be made, just as water authorities are required under COPA 2 to consult/inform MAFF and local authorities. We welcome therefore the recommendation of the Committee.
3. The Welsh Office should commission surveys of coastal water quality at periodic intervals from bodies independent of the WWA. The results of these surveys should be made available to the public.	If the Welsh Office was to commission surveys of coastal water quality from bodies independent of Welsh Water the Authority would assist in any way it could. Welsh Water believes that the information gained from such independent surveys would merely confirm the results of its own surveys. In its early years the Authority commissioned university departments to carry out such surveys on its behalf. The results obtained from those surveys reflect a similar picture to those revealed by subsequent surveys by Welsh Water. The joint monitoring programmes set up by water authorities and district councils in response to the Government's new initiative on identification of bathing waters is considered to be a most practical and cost-effective way of carrying out a comprehensive survey. The Authority already publishes the results of its own surveys and has been doing so for many years. The results are made available to organisations such as the Coastal Anti-Pollution League, the Consumers Association and to members of the public seeking information about a particular bathing area.
4. Joint working parties should be established between District Concils and the WWA to co-ordinate investigations in	Welsh Water has established collaborative programmes with local authorities in Swansea Bay, West Wales and North Wales. It

areas where specific problems become apparent.	therefore welcomes this recommendation of the Committee on Welsh Affairs. Arrangements have been made with local authorities for collaborative monitoring of the bathing areas identified as part of the Government's new initiative on bathing waters.
5. Arrangements similar to those made by the French Authorities for informing the public of the water quality at bathing beaches should be adopted.	As has already been stated Welsh Water publishes the results of its surveys each year in its Annual Report, makes the information available to the Coastal Anti-Pollution League for publication in their booklet "Golden Beaches", the Consumers Association for publication in "Holiday Which"; local authorities and any member of the public seeking information about a particular bathing area. Welsh Water considers these methods to be as effective as displaying the information on local notice boards. Members of the public would probably want the information when planning their holiday rather than when they are actually at the resort. Welsh Water consider that local authorities in Wales would only adopt such a practice if it was adopted by all maritime local authorities in the United Kingdom.
6. The Department of the Environment should reconsider its instructions to the Water Authorities on the selection criteria for bathing waters, and the WWA should consult with the maritime District Councils with a view to designating a realistic number of bathing beaches in Wales where the EEC Directive will apply.	The Department of the Environment and Welsh Office have initiated a new survey of bathing waters using for selection criteria, information such as whether lifeguards, changing huts, toilet facilities and parking facilities are provided for a substantial number of bathers. Following consultation with local authorities a number of bathing areas were selected by Welsh Water from which the Welsh Office selected 40 which will be monitored over a two year period, starting in May of this year. The list of bathing areas is given in Annex 1. Local Authorities will collaborate in the monitoring

	programme. The objective is to establish whether the selected bathing waters meet the standards prescribed in the EC Bathing Water Directive; some 370 bathing waters around the United Kingdom will be surveyed. The results of these surveys will be published. This meets the recommendation of the Committee on Welsh Affairs.
7. Comprehensive water quality surveys should be carried out on Welsh beaches to provide up to date information which would be published by the Welsh Office in a document modelled on the "Sanitary Conditions of Sea and Freshwater Bathing Zones" published by the French Directorate-General for Health. The data obtained would also allow an important check to be made on the effectiveness of the changes in our coastal sewage disposal policy which are due to come about over the next five years and which should have a widespread and significantly beneficial impact on water quality.	Although most of the monitoring effort will be allocated to the 40 bathing areas listed in Annex 1, efforts will be made to include such neighbouring bathing areas as Welsh Water and local authority resources permit. These surveys will provide additional information on which to base strategies for remedial work and to provide additional baseline quality data against which the effectiveness of remedial work can be assessed. Government intends to publish the information and Welsh Water will continue its practice of publishing the results.
8. Research should be carried out by a body such as the Water Research Centre to determine the fate of viruses discharged to the sea in sewage, and sufficient resources to support the work should be allocated by the Government.	Welsh Water welcomes the recommendation of the Committee that research should be carried out to determine the fate of viruses discharged to the sea. The Water Research Centre has already commissioned the Virological Unit of Welsh Water to investigate the occurrence and survival of rotavirus in the water cycle.
9. There should be a total exclusion of faecal solids from bathing waters, and compliance with the E.coli standard of the EEC Directive.	
10. The environmental health officers of the ADC should increase their efforts to make the public aware of the dangers	Welsh Water endorses the recommendation that Environmental Health Officers should increase their efforts to make the public

of eating shellfish that have not been properly treated and purified.	aware of the dangers of eating shellfish that have not been properly treated and purified.
11. The WWA should retain its virological facility and encourage its expansion as a reference centre for the water industry, financed by contractual work from other water authorities.	Welsh Water welcomes the recommendation made concerning the retention of its virological unit. The Unit has already undertaken some contract work for Swansea City Council and has been commissioned to carry out a research project for the Water Research Centre. Welsh Water would also be prepared to take on work on contractual basis for other water and local authorities. The Authority is already seeking opportunities to take on contractual work across the whole range of its expertise.
12. The Department of the Environment's support for research on the factors producing algal blooms such as those occurring in Swansea and Liverpool Bays should be continued, and in partiuclar investigation should be made of alternative sewage sludge dumping sites further out in the Atlantic.	It is Welsh Water's understanding that Government is continuing to fund research into factors producing algal blooms and into the finding of possible alternative sites for disposal of sewage sludge. Welsh Water would also like to see the Government make additional resources available to investigate further the effects at the present disposal sites which have been selected to minimise environmental impact and to provide cost effective means of sludge disposal. The Authority is collaborating in a review of the effects of sludge disposal at sea for the Marine Pollution Monitoring Management Group established by the Department of the Environment. Welsh Water welcomes the recommendation that alternative sludge disposal sites be sought as an endorsement by the Committee of the acceptability of sea-disposal of sludge.
13. The WWA should accelerate its policy of replacing those antiquated crude sewage outfalls which depost human excrement in recreational waters with carefully sited	As stated in its evidence to the Committee, Welsh Water's minimum standard of service requires that there should be "no visual evidence of pollution by gross sewage solids and debris except under occasional

long sea outfalls discharging screened, mascerated effluents. In the meantime, urgent attention should be given to maintenance and repair of existing sewage outfalls.	unfavourable weather conditions". It has always accepted the EEC bacteriological standards as design criteria for remedial work to improve quality of bathing waters. Welsh Water has set itself the task, amongst many others, of meeting the following objectives within the next 15 years: "to provide a sewage treatment service which: - enables all areas which have been identified as bathing areas using national criteria to meet the conditions specified in the EC Directive on quality of bathing water except where bacteriological contamination arises from diffuse freshwater run-off and cannot be attributed directly to specific discharges; - prevents the deposition of sewage solids, or formation of sewage slicks, discoloration and foaming visible from foreshore areas frequented by the Public." These objectives meet the requirements of the Committee's recommendation that there should be total exclusion of faecal solids from bathing waters and complaince with the E.coli standard of the EEC Directive.
14. The necessary capital should be made available to allow the tidal water schemes to be carried out in order of priority.	
15. The ultimate increase in cost that is the result of increased borrowing to finance sea outfalls and associated plants must always be fully borne in mind by the WWA and the Welsh	Welsh Water has set out a capital expenditure programme of about £1,000 million to meet all the objectives it has set itself to achieve by the year 2000. This includes significant expenditure

Office.	for tidal waters. The Authority has set target percentages of capital expenditure to meet objectives set for each of its main services, i.e. Water Resources and Supply, Sewerage and Sewage Treatment and Disposal. A revised priority system has been devised which has separate criteria for each of the main services. The scheme is based on Purpose and Urgency factors and is modified for cost effectiveness. In tidal waters the new system provides for increased priority if there appears to be risk to public health. The urgency factor has a signficant effect on the priority ranking and gives high urgency for schemes to improve conditions on high use bathing beaches. The priorities for sewage treatment and disposal include inland waters and increased demands. Expenditure to maintain and improve in land waters in the context of COPA 2 has a high priority. Tidal waters schemes utilising significant capital resources may still need to be phased. The Authority has to consider costs in relation to the standard of service provided and is concerned to provide value for money. The revised priority system therefore includes a modifying factor for cost effectiveness. The projected capital programme assumes that the Authority's income base remains firm and that the increased capital can be made available without unacceptable increased in the level of charges or increased borrowing requirements.
16. There should be an increased incentive for the WWA to attract EEC grant aid for	Welsh Water is examining ways of attracting increased grant-aid from the EEC, and together with

outfall replacement by exempting EEC monies from consideration under the Authority's External Finance Limit.	Government it is pursuing the continuance of availability of EC grant-aid after privatisation.

Recommendation	Response
1. The Department of the Environment classification should be modified so that the definitions include - i. a half-life threshold, with no low-level waste (LLW) being longlived and intermediate-level waste (ILW) being explicitly divided into separate short and long-lived categories. The threshold for short-lived waste should be at the most a 30 year half-life and probably less; ii. a specific reference to alpha-content, so that LLW contains no alpha-bearing waste; iii. specific exclusions from LLW and short-lived ILLW of particularly toxic radionuclides.	The Government supports the Committee's underlying objective that the wastes for a particular facility should be subject to clear stringent controls and that particularly toxic radionuclides should be excluded from a near-surface facility. The existing classification was not drafted as a method of control. It has another limited but distinct role. It came about because of the confusion that arose previously with different people using different definitions of various waste types. Particular confusion arose about the boundary between low and intermediate level wastes and this led to the unjustified suspicion that this confusion might allow the authorities to dispose of inconvenient wastes by sleight of hand. A classification was therefore agreed between the authorising departments, the waste producers, NIREX and RWMAC (paragraph 27). In their 5th Report (paragraph 2.2), TWMAC made it clear that the classification scheme was not intended to prescribe the disposal route acceptable for the particular wastes but to provide a clear indication for the layman of the relative levels of radioactivity in the wastes. This was underlined by the fact that the dividing line between low-level wastes (LLW) and intermediate-level wastes (ILW) was arbitrary and intended to be so. Control of waste repositories will be secured through the authorisations issued under the Radioactive Substances Act 1960 and the licences granted under the Nuclear Installations Act 1965.

	The recommendation that the limit for short-lived wastes should be a 30 year half-life or less is broadly in line with present practice. However, few waste streams are composed of single radionuclides. There may therefore be small amounts of trace elements of longer half-life in waste streams which are nevertheless suitable for disposal in a near-surface facility, subject to the published criteria being met. Similarly very small quantities of alpha emitters and toxic wastes may be present.
2. Any disposal methods chosen should reduce the "dilute and disperse" element of their design to be as small as technically possible.	The Government shares the objectives underlying this recommendation: that the disposal of radioactive waste should be acceptable environmentally. It considers, however, that this is best achieved by a more flexible approach to the use of 'dilute and disperse'. The Government's approach is that 'dilute and disperse' should not be a general principle for waste management. It recognises, as does the Committee, that absolute containment, except for very short-lived radioactive waste, is not possible; that between 'containment' at one end of the spectrum and 'dilute and disperse' at the other, there are a range of possibilities. Each case should be judged on its merits and the objective should be to select the best practicable environmental option. Operators of disposal facilities will be expected to use best practicable means to ensure that releases of radioactivity, at any time, are as low as reasonably practicable and hence that exposures are as low as reasonably achievable, social and economic factors being taken into account.

	The Government shares the Committee's views that the 'dilute and disperse' procedure should be used with caution and care. It is for this reason that it is used only where it is the best practicable environmental option.
3. We are convinced that safe final disposal routes are available in the United Kingdom. Indefinite storage presents unacceptable risks. On the other hand, any chosen disposal facility will require protracted periods of storage in the facility prior to final closure.	The Government agrees with the Committee's conclusion that safe final disposal routes are available in the UK. The BPEO study supports these judgements. The Government also agrees, again in line with the findings of the BPEO study, that disposal is preferable to storage. It is true that, while a facility is being filled, wastes will be easier to retrieve than when the facility is finally sealed, and to that extent they may be considered to be in store. In the case of trench burial, the material is likely to be sealed into the facility as it is filled, and this will undoubtedly make it more difficult to retrieve. The risk target and the commitment to achieve ALARA will apply to each stage in the design and operation of the facility, when it has been filled and when it is closed.
4. For as long as Drigg continues to be used: i. its authorisations should be modified so as to permit the disposal there of only short-lived, non-alpha, low activity wastes and to prohibit specified radionuclides; ii. all wastes should be properly sorted before arrival there to separate inappropriate material and uncontaminated refuse;	The Government agrees that any new disposal site should be based on current knowledge and experience and should not be modelled on Drigg, which has operated for over 20 years. However, Drigg does not present any unacceptable risk to those who work there, or to those who live nearby. Nevertheless, improvements can be and will be made to bring the site in line with current practice. The disposal authorisation is also being revised to match current requirements. It is intended that, in order to reduce the need to transport wastes, Drigg should be reserved

iii. all wastes should be compacted or incinerated where they lend themselves to be so treated;

iv. all wastes should be put in appropiately labelled containers;

v. all wastes should be monitored on arrival there to check that they contain only what the new authorisation allows.

5. We conclude that Drigg is not an acceptable model for any future disposal site.

for BNFL wastes once a new near-surface facility is available. These will be primarily from Sellafield, but could also come from other parts of BNFL. With the improvements that can be and are being made, the life of the site can be extended until about the 2040's assuming that a new near surface facility is available in the early 1990's. If it is not, Drigg is likely to be full by 2010.

Experimental work over the last year has confirmed that the capping of old trenches, to make them impermeable to rainwater, would be worthwhile. This will begin in 1987. At the same time, the completion of a compaction plant at Sellafield will enable low-level waste from Sellafield to be compacted.

Two further improvements are to be made at the same time. By the end of 1987 all Sellafield waste will be put in drums or bales, with the possible exception of relatively small amounts of loose spoil. Other users of Drigg will also, wherever possible, containerise their waste. All containers will be labelled to allow cross-referencing with consignment documents and the place of disposal in the trenches.

6. We conclude that, if the UK is unable to convince other nations, it might be unwise to regard sea-dumping as a possible route; and this would, in time, aggravate the need to find land-based sites within the UK land mass or beneath the sea bed, offshore.

The Government agrees that the absence of the sea route for the disposal of radioactive waste would increase the pressure for land-based disposal sites. Whilst views differ amongst the international community on the acceptability of the sea disposal of such waste, many countries consider that it is a safe disposal option which should remain available. The Government shares that view. It will, however, continue to decide on any application for the disposal of

	such waste in the light of all the relevant factors.
7. We conclude that the industry should resolve its internal differences of opinion over the feasibility of land-based disposal of the existing stockpiles of radioactive waste intended for the sea-dump and should proceed accordingly.	The industry has stated that it has resolved these differences.
8i. Near-surface disposal facilities are only acceptable for short-lived low-level wastes and must be fully engineered on a complete containment basis.	NIREX announced on 25 February 1986 the names of 4 sites that they would like to investigate in detail to see if they are suitable for the construction of a facility for the disposal of low-level (LLW) and short-lived intermediate level (ILW) waste. Nevertheless, this is an area where it has proved particularly difficult to bridge the gap between scientists' assessment of risks and the honestly held perceptions of the local communities. The Government takes seriously the distinction drawn by many between the acceptability of LLW and ILW in such a site, and recognises that many people would be reassured if this site were used only for LLW. In these circumstances, and in the light of the views expressed by the Committee, the Government has decided that NIREX should proceed on the basis that a near-surface facility will only be authorised for the disposal of what is broadly described as low level waste. Both short lived and long lived ILW will therefore be stored (at least for those wastes which could not be disposed of to sea if that route were available), pending the identification and development of a deep disposal site or, where appropriate, until radioactivity has reduced sufficiently for disposal as LLW.
8ii Considerably greater emphasis	All options that look promising

must be given in research, development and policy to sea-bed options, especially to the use of tunnels under the sea bed from land.	should be investigated and carefully evaluated. These include sea-bed options. Extensive research is already being undertaken into disposal of heat generating waste into the sediments of the deep ocean bed, as part of the work of the Nuclear Energy Agency (NEA) 'Sea-bed Working Group'. This research is due to be completed in 1987. The results will be published. NIREX have commissioned two feasibility studies into the disposal of ILW under the seabed. One contract with Babcock Woodhall Duckhams covers tunnelling out from land. The other, with Sir Robert McAlpine and Sons Limited, is investigating options for the emplacement of radioactive waste under the seabed with access from an off-shore structure. They expect to have the results of both studies later this year. Any other promising concepts of techniques will also be evaluated by NIREX as they arise. Sea-bed options may prove attractive. The studies under way should establish what is possible, and at what cost.
9i Research on a fully constructed deep geological site in this country is urgently needed and should be implemented. 9ii Such a site should be designated as an experimental facility, explicitly excluded from being a potential operational facility.	The Government is committed to the development of a deep facility. Studies here and abroad have confirmed that it is feasible. Further research on the different systems that are available is being undertaken. The next step will be for NIREX to identify potential sites for detailed investigation, so that a site can be chosen to put to a public inquiry and, if approved, developed. There will be no need for the prior construction of a separate experimental facility.
10. The revised authorisations for	The revised liquid discharge

Sellafield discharges should specify low levels of:

i. particulate matter;

ii. plutonium and other actinides.

These levels should be calculated so that they are as low as technically achievable. Constant efforts should be made thereafter to reduce those levels to as near zero as possible.

authorisation for Sellafield that took effect on 1 July 1986 reflects the improvements in discharge levels permitted by the commissioning of new effluent treatment plant during 1985, with a degree of flexibility allowed only to cater for fluctuations in throughput and variations in plant performance. It sets specific limits on a wide range of individual radionuclides including plutonium alpha and plutonium-241; and places limits on the use of solvents in order to prevent a recurrence of the circumstances which contributed to the 1983 incident. The new authorisation also requires the removal of all solids arising from reprocessing. The treatment of the discharges, to put them into a chemically acceptable form, may itself produce some solids. Further development of ultra fine particulate filters will ensure by the early 1990's the removal of even the smallest radioactive particles.

With regard to the recommendation that authorised limits should be set as low as technically achievable (ALATA) and thereafter reduced to as near zero as possible, the Government accepts the advice given to it by RWMAC in its Fifth Annual Report. RWMAC pointed out that the total elimination of radioactivity from the discharges of any nuclear plant is impossible, although in principle, the levels could be reduced almost indefinitely. RWMAC was not aware of any generally accepted definition of ALATA, but felt that it could not be interpreted simply as meaning that any currently available technology should be used to reduce discharges, regardless of any other factors: without qualification, therefore, the concept is neither quantifiable nor enforceable.

11. We welcome the establishment of COMARE (Committee on Medical Aspects of Radiation in the Environment) and hope that it will be supplied with all relevant information.	The Government is happy to give the assurance sought.
12. The waste management objectives in the 1982 White Paper should be revised to take account of the ICRP/NRPB view that, for a critical group, average doses should be kept well below 1 mSv pa, with 5 mSv pa as the clear upper limit only in exceptional cases.	The objectives have been revised on the lines the Committee recommended (see paragraphs 11-14 above).
13. In future the MAFF/DOE annual monitoring reports should provide some expression of the discharge limits in terms of the ICRP limits from which they are supposedly derived.	Those living near a nuclear facility will want to be assured that the discharges from that facility comply with recommendations made by the IRCP. This will be done, in the document issued at the time of consultation on a new or revised authorisation, by indicating the likely level of radiation exposure under the proposed authorisation and how it compares with the principal dose limit recommended by the ICRP. This procedure was followed in implementing the new authorisation for liquid discharges from Sellafield that took effect on 1 July 1986. All authorisations, including those for Sellafield, are kept under review to take account of any new recommendations made by the ICRP or any other change of circumstances that is relevant.
14. In the Certificates of Authorisation, new numerical liquid discharge limits, radically lower than the current ones, should be set for all nuclear plant in the UK. This should be done without delay. Numerical limits should now be set for all gaseous discharges. The new discharge limits should be regarded as	The authorising Departments are currently engaged on a programme of reviewing the liquid and gaseous authorisations for all nuclear installations in the UK. The aim is that this should be completed within three years and thereafter all authorisations will be kept under regular review. The Government accepts the

fixed standards to permit more effective monitoring and enforcement. The discharge limits should be established along the following lines:

i. so far as possible calculation of all discharge limits should derive from radiological protection objectives based on dose limits. The recent RWMAC objective for waste management practice, that the committed effective dose equivalent to the critical group should be no greater than 0.5 mSv pa should form the basis of such a derivation. Taking the 0.5 mSv figure as an initial ceiling for the calculation, the Authorising Departments should then fix individual discharge limits below that ceiling for each plant by applying the ALARA principle.

ii. having drastically lowered the discharge limits the reference to ALARA or BPM in the Certificates of Authorisation should be deleted. This will give the new discharge limits the status of fixed emission limits.

iii. The absence of ALARA or BPM in the Certificate or Authorisation means that all authorisations should be subject to regular, say three, yearly, review. This should apply equally to plants which discharge well within the limits as well

recommendation that numerical limits should be set for all gaseous discharges.

Radiological protection objectives, including both dose limits and the concept of ALARA, are already taken into account by the authorising Departments in setting discharge limits, and the Government has already accepted RWMAC's recommendation that, within the objective for waste management practice set out in paragraph 13(c), the Government should accept as a target for individual authorisations that the committed effective dose equivalent to the critical group should be no greater than 0.5 mSv pa.

The Government rejects the proposal that discharge limits should be regarded as fixed standards, as this would encourge operators to regard them as targets and thus discourage them from using the best practicable means (BPM) to improve performance within the limits set. This would run counter to the well established principle of radiological protection that the doses to the public resulting from radioactive discharges should be kept as low as reasonably achievable (ALARA). The Government therefore also rejects the recommendation that references to BPM and ALARA should be deleted from Certificates of Authorisation.

as to those with poorer records. In this way a constant downward pressure will be exerted on discharges overall.	
iv. the new discharge limits should be contained in a Certificate of Authorisation which should also include the standard data listed in recommendation 10.	
15. The DOE should have a duty to notify local authorities of all Disposal Authorisations granted in their area, and those local authorities which are seeking a greater monitoring role should be able to come to some formal arrangement with the DOE.	The Radioactive Substance Act 1960 requires the Secretary of State for the Environment to consult with a local authority before granting a disposal authorisation, if it appears to him that the disposal activity to which the authorisation relates is likely to involve the need for special precautions to be taken by the local authority. Such special precautions may include monitoring. Discussions are taking place with the Association of County Councils and the Association of Metropolitan Authorities to extend the consultation procedure to cover all disposal authorisations.
16. The DOE should investigate the feasibility of introducing operational standards, analogous to the system of discharge limits, by which to regulate and monitor the performance of solid waste disposal facilities and should report their findings to Parliament.	The Government is satisfied that present policy will secure the Committee's underlying objective.
17. The CEGB and SSEB should conduct a full and published analysis of:-	The CEGB and SSEB have agreed to analyse the technical and economic aspects of backfitting dry stores to Magnox stations and the relevant studies are underway. It would however take the better part of a decade to design, secure planning permission and build dry stores at existing Magnox stations, by which
i. the costs of backfitting dry stores to Magnox stations, comparing these costs with the costs of reprocessing,	

vitrification and storage of vitrified HLW;	time the Magnox stations are expected to be coming to the end of their operating lives.
ii. the feasibility of drying-off Magnox spent fuel once it has been wet in a cooling pond.	
18. The Department of the Environment should commission and publish a study of the characteristics of Magnox spent fuel in final disposal and of any possible methods of dealing with the particular problems of the long-term chemical instability of uranium metal.	The Government, has asked the CEGB and SSEB to include, in their feasibility study into the dry storage of Magnox fuel, a technical appraisal of the scope for direct disposal. This will be assessed by Government and the results published, together with the study.
19. i. BNFL and the Department of Energy should prepare and publish a detailed analysis of the financial consequences of abandoning THORP, including a study of the alternative use of already committed capital investment for the interim storage of contracted foreign spent fuel;	The Government do not accept the Committee's basis premise that there is no overall strategic, technical and economic case in favour of reprocessing AGR fuel, and that financial considerations are the sole reasons for continuing with the THORP contract. In relation to the management of spent fuel, two basic alternatives are available; either to reprocess and separate waste products from the reusable uranium and plutonium, or to treat the spent fuel as a waste product which, after a period in dry storage to allow the heat generation and radioactivity to decay sufficiently, would eventually be disposed of in a waste repository. Only by reprocessing the spent fuel, however, do we preserve the opportunity to utilise the uranium and plutonium, which represents a valuable energy resource equivalent to the entire commercially recoverable resources of coal in the UK. The Government believes that nuclear power will have an essential contribution to make in the next century, as world-wide energy demand rises and finite fossil fuel resources are depleted. The Government believes that, given
ii. BNFL and the Department of Employment should prepare and publish a study of the alternative ways in which manpower involved in the construction of THORP and could be re-employed on alternative "cleaning-up" work on the Sellafield site or on work elsewhere;	
iii. if the results of the studies recommended in (i) and (ii) above show that the consequences of the abandonment of THORP do not warrant a continuation, THORP should be abandoned as a	

potential reprocessing plant.	the long timescales on which the energy industries must plan, investment decisions have to be based on a responsible and balanced view of longer term strategic requirements, and that it would be wrong to abandon the experience and expertise gained from several decades of safe and successful development of the nuclear fuel cycle. The Government also believes that there are sound technical reasons for continuing with plans to reprocess AGR fuel which has already been stored in water. The Committee suggests that other major nuclear countries have not apparently found it necessary or economic to carry out civil reprocessing, and further asserts that reprocessing contracts with BNFL rids foreign countries of the need to store or dispose of spent fuel. This is not the case. France, West Germany and Japan all have significant domestic reprocessing programmes, and the US has lifted an earlier moratorium on civil reprocessing. Other countries mentioned by the Committee such as Finland and Switzerland have relatively small nuclear programmes and cannot benefit from the economic advantages of a large scale domestic plant. With regard to the suggestion that BNFL's overseas reprocessing contracts will result in Britain becoming a dumping ground for other countries' spent fuel problems, the Committee itself noted that the contracts signed by BNFL had given the company the contractual right to return all reprocessing wastes to the country of origin. The Government has made it clear that it intends that this option should be exercised and that the wastes should be returned. It is already planned to return all

HGW as soon as practicable after vitrification, but in some of the less radioactive wastes there may be other options worthy of study, for example whether it would be sensible to substitute an equivalent quantity in radiological terms of HGW.

To abandon THORP would have very serious economic consequences. The total construction cost of THORP is over £1.6 billion, and total expenditure to date on the project, including allowance for cancellation charges on contracts placed but unfulfilled, amounts to £600 million. In addition to the direct loss of more than £2 billion still to accrue in overseas income, there would be substantial costs for the domestic industry associated with developing alternative spent AGR fuel maangement routes, which would largely offset the savings from cancellation of the contracts. Such a move could also have serious consequences for our trading relations with other countries. BNFL has entered into binding contracts with overseas customers supported by an exchange of inter-governmental letters with seven countries.

The employment consequences would also be severe.

In conclusion the Government remains firmly committed to THORP for all the reasons described above. There can be no question of abandoning the project. Reprocessing is a proven and safe technology which keeps open the possibility of re-cycling valuable uranium and plutonium as fuel. Furthermore, the THORP plant will incorporate the very latest technology. The waste discharges will be much smaller than those associated with Magnox

	reprocessing.
20. In dealing with the matter of radioactive waste and associated activities, the nuclear industry should:	The disposal of radioactive waste is necessary. The wastes exist and present facilities are either temporary or have a finite capacity. Public understanding is needed. Public confidence is required. The Government supports the Committee's underlying objective that information should be available to enable the public to comment sensibly upon proposals, and to see the need for them, even if they do not agree with the particular locations chosen. And the understanding built up during the period a facility is being investigated must, if it is developed subsequently, be retained during its operational period.
i. review its approach to informing the public;	
ii. be more open and forthright in all its affairs;	
iii involve the public at local and national level in the decisions it takes;	
iv. embrace the concept of the "Rolls-Royce" solution to convince the public in actions as well as words; and	The Government will, equally, expect the industry to pursue a policy of openness and consultation. There will be some material which may be of a confidential nature, for defence or commercial reasons, but the Government would agree with the Committee that this should not be used as an excuse for secrecy. The industry's record is improving.
v. adopt a presumption that all technical papers should be available to members of the general public unless there are overriding defence or commercial reasons for their non-disclosure.	
In order to clarify how it should achieve these objectives, the industry should submit to the Government practical proposals to these ends. These proposals should be published.	The Committee urged the adoption of "Rolls Royce" solutions for waste disposal. The Government has consistently promoted high standards in the nuclear industry. The authorising departments' assessement principles (paragraph 84) require the developer to reduce the level of risk of death to the most exposed member of the general public to one in a million a year. This is a higher standard than that required in most other industries.
21. i. The Department of the Environment should give serious consideration to the issue of compensation to those affected by the	Under present planning law, as the Committee noted, agreements may be made between developers and local planning authorities under Section 52 of the Town and Country Planning

establishment of radioactive waste disposal facilities;

ii any future radioactive waste disposal site should have a strong and widely representative local liaison committee, with significantly greater power to influence decisions than has hitherto been the case at existing nuclear facilities.

Act 1971. By this means, developers may carry out works not included in the development itself, or provide some other benefit for the community in which the development is situated.

Parliament has therefore provided the means for developers to contribute (on a voluntary basis, for there is no compulsion under Section 52) such wider benefits. But it is important to set bounds to this practice. Planning permission must be given or withheld, not according to a developer's willingness or ability to pay, but by reaching a balanced judgement having regard to all material considerations, including Government policy, local authority development plans, and the merits of the particular proposal or proposals in question.

To go further and encourage the developer to provide other benefits, outside the planning system, would be to establish a precedent. The Government will therefore wish to consider the case carefully.

The industry and the Government place considerable value on the local liaison committees established for existing nuclear facilities. Local communities must be kept informed and there must be a proper channel of communication from them to the site operators through which any concerns and worries can be expressed. Responsibility for the development and operation of a new disposal site must remain with NIREX, but the Government would encourage them, once a particular site has been chosen for development, to discuss with local authorities, and other representative groups concerned, the form and role of a local liaison committee.

23. We are forced to conclude that the foundations of an underlying radioactive waste management strategy were not sufficiently well laid, when proposals were first made to develop particular disposal sites.

The Government does not accept this criticism. The overall strategy for the management of radioactive waste, and the objectives the Government is working towards, are set out in the first part of this response.

24. The Secretary of State for the Environment should be given a specific statutory responsibility to ensure that all practices giving rise to radioactive waste are justified in terms of the volumes of such waste they create, which should be the minimum achievable. This recommendation has the clear implication that the Secretary of State for the Environment becomes party to decisions on matters of nuclear policy insofar as it has implications for production of radioactive waste.

The Government does not accept the premise upon which this recommendation is based. It does not agree that the disposal of radioactive waste is becoming an intractable problem. Safe final disposal routes are available in the UK, as the Committee themselves have observed. Four sites are being investigated for a possible near-surface facility for the disposal of LLW. NIREX are continuing work on the identification of possible sites for a deep facility for ILW.

Environment Ministers made clear, in evidence to the committee, that their concern relates to the consequences of the nuclear industry for the environment; to ensure that it was safe as regards the environment. This is not the same as seeking to ensure that the radioactive content of each stream should be reduced to a minimum. There is a general presumption that each waste stream should be reduced to as low as possible in terms of volume, but in some circumstances it may be better for the environment overall to accept a higher level of discharge from one stream in order to secure a lower level in another.

Each case must be judged on its merits.

The Government accepts that the question of waste is not a matter to be tackled as an after-thought, but is a consequence that should be

	considered from the initial design stage. Accordingly the Secretary of State for the Environment and other Environment Ministers will continue to participate fully on decisions on matters of nuclear policy.
25. RWMAC (Radioactive Waste Mangement Advisory Committee) should continue its periodic reviews of defence wastes, say on a three-yearly basis, and if necessary, RWMAC's terms of reference should be amended accordingly.	RWMAC considers, and the Government agrees, that the present arrangements for the periodic review of defence waste management work well and should continue. Because the work requires access to classified material it has been the practice for the Chairman, or a sub-group, of RWMAC to carry out this review. These arrangements have worked well and the Government proposes that they should continue.
26. One area for further consideration should be the overlap of responsibilities between MAFF and the DOE.	The DOE has a broad responsibility for the protection of the environment and for ensuring adequate monitoring of the distribution of radioactivity in it. The Department has a specific responsibility for the safety of the water supply. MAFF has a specific responsibility for ensuring the safety of the nation's food supply and for the protection of the marine environment from adverse effects of marine pollution. The two liaise closely and the division of responsibilities is well understood by those directly involved or affected. The Government is not aware of any conflict having arisen in practice.
27. The Department of the Environment should further clarify responsibilities for control of solid waste disposal sites between the NII (Nuclear Installations Inspectorate), the Authorising Departments and the Department of Energy at an early date.	The Regulatory Departments have a clear responsibility for ensuring that the disposal activities do not, and cannot, prejudice public safety. The criteria against which any proposal to develop a disposal site would be judged, are set out in their safety assessment principles. The NII is taking powers to licence disposal sites under the Nuclear Installations Act

	1965. In order for the disposal site to be licensed, the NII will need to be satisfied that any risk to the workers and the public will be reduced to a very low level when assessed against its own safety assessment principles. These will take as their starting point the protection of those involved in the construction and operation of the site. In practice, one set of criteria will impinge upon the other. Close liaison will be required. Steps will be taken to review the existing memorandum of understanding between the authorising departments and the NII and if necessary revise it, subject to the outcome of the review referred to below.
28. The NII should be more forward-looking in its licensing role and should put in hand a generic safety study of solid waste disposal sites at an early date. This study should be published in advance of any public inquiry into radioactive waste disposal sites.	A considerable proportion of the Nuclear Installation Inspectorate's resources has been devoted to issues which are likely to become important in future years. As the Committee itself has acknowledged in its Report, the NII's generic safety study of the Pressurised Water Reactor system is a major example of the Inspectorate's attitude to safety assessments of proposed future systems.
29. There should be stronger environmental representation on RWMAC and a fourth category of appointment to RWMAC should be created for environmental organisations. Both statutory and nonstatutory bodies should be represented within this new group.	The Secretaries of State value the independent advice they receive from RWMAC. The Government does not believe that the Committee's independence would be increased by the changes the Environment Committee recommend.
30. RWMAC should have a secretariat which is independent of the Department of the Environment. RWMAC should also be able to commission its own research. In addition RWMAC should be made a statutory agency and this should be done at an early opportunity in conjunction with	Members are not selected on a representative basis, but for the contribution they can make. They all have heavy commitments elsewhere and would be unable to make available the additional time required if RWMAC were to commission its own research or expand its present role in any significant way. But such action is in any case unnecessary. RWMAC

the other legislation which we propose.	already scrutinises proposals from Government and the industry and can propose changes. Members also receive the results of that research. In such circumstances, the role of the Secretariat is crucial; and greater independence could be appealing. However, it would mean that the Secretariat would be isolated from the Department of the Environment, and less aware of the early stages of policy formulation, and this might make it less effective in the advice it is able to give to RWMAC. The Committee does not have any strong feelings on the matter. On balance the Government does not consider that the disturbance the change would bring would be justified.
31. ACSNI (Advisory Committee on the Safety of Nuclear Installations) should now focus more sharply on the safety aspects of future solid radioactive waste disposal sites.	ACSNI has not so far focused in any great detail on the full range of safety issues relating to future radioactive waste disposal sites; but it has kept itself informed and has every intention of becoming more fully involved in this area of work in the future. However, in discharging its remit, the Committee is conscious of the need to avoid duplicating the work of RWMAC. The joint meetings, from time to time, between ACSMI and RWMAC, go some way to overcoming this problem.
32. The nuclear industry, through a body such as NIREX (Nuclear Industry Radioactive Waste Executive), should retain executive responsibility for disposal of radioactive waste in accordance with the 'polluter pays' principle.	This is the present position. The Government has no proposals for change.
33. The Secretary of State for the Environment should hold the Government's single special share in NIREX and the non-nuclear industry appointments to NIREX should be	The question whether the single special share should be held by the Secretary of State for the Environment or the Secretary of State for Energy was considered carefully by the Government before

made by the Secretary of State for the Environment rather than the Secretary of State for Energy.	UK NIREX Ltd was set up. On balance, as the Secretary of State for Energy is the Minister who answers for the nuclear industry, including NIREX, in Parliament, it was considered that he should hold the share (see paragraph 17 above). He does, of course, consult with his colleagues at DOE, and at Scottish and Welsh Offices, before appointing his Directors. This remains the Government's view.
34. As NIREX Intends to seek deep geological disposal options for intermediate level waste, then disposal options for high level waste and direct disposal of spent fuel should now be added to their remit.	The Environment Departments are responsible for research into the disposal of HGW. Until a clear option for disposal is identified it would be premature to transfer that responsibility to NIREX. Nevertheless, it is important that NIREX are kept in touch with the results of the search as they emerge. Some of the characteristics of HGW will be similar to that of ILW, particularly after HGW has been allowed to cool for a minimum of 50 years. This does not mean that any prospective site for ILW should also be a site for HGW. Detailed analysis may suggest that this is an ultimate possibility, but it is not a necessity. The timescale for each is very different. A facility for HGW is not needed until well into the next century. A facility for ILW will be needed much sooner, before the end of this century.
35. The Department of the Environment should clarify the lines of communication and accountability between itself and NIREX. In due course NIREX should be made directly answerable to the Department of the Environment through the legislation which we have proposed.	The present arrangements are clear. NIREX is part of the nuclear industry, for which the sponsoring Department is the Department of Energy. In respect of the Department of the Environment the relationship was set out in paragraph 61 of "Radioactive Waste Management" (Cmnd 8607) published in July 1982: "The Government has discussed with the industry how the Executive (NIREX) will approach its task.

The Environment Departments will continue to develop a broad strategy for the effective and environmentally acceptable management of wastes, against which the industry's performance can be assessed. The Executive will develop comprehensive plans for dealing with the various waste types, on the basis of a study of the realistic options, and in consultation with the Environment Deaprtments and MAFF; and will put forward specific proposals, which will be assessed against the strategy. In order to keep Parliament and the public informed, the Executive will submit periodic reports to the Environment Secretaries of State on work in hand by the industry and future plans, and those will be published".

Since Cmnd 8607 was published, NIREX has been incorporated as a public sector company. The Secretary of State for Energy has also made it clear that, in appointing two independent members to NIREX, the Secretary of State for the Environment will be consulted. The Government is not convinced that any further changes are necessary.

36. Site selection criteria should be established in advance and published for each type of waste disposal route likely to be developed. Thereafter, the Department of the Environment should ensure that any possible future disposal sites identified by NIREX should satisfy the site selection criteria for that disposal option. Thus responsibility for final 'short-listing' of possible future sites should effectively rest with the Department of the Environment rather than NIREX.

It is for Government to set out the policy framework within which disposal sites are identified. It also has a responsibility to set out the principles against which any proposals for the development of a disposal facility would be assessed.

To go further, as has been suggested, and specify wider criteria covering, for example, the relevance of communications or proximity to centres of population, would be inappropriate.

The proposal will require planning

	permission under the Town and Country Planning Acts and the system provides a comprehensive mechanism for the scrutiny of all the planning considerations material to the development. The Government has already made it clear that a proposal, to develop a site for a radioactive waste facility, would be subject to a public inquiry.
37. Details of the Government's recent organisational review should be published. Failing that, the DOE - or RWMAC on its behalf, should undertake a full review of the departmental responsibilities and of the bodies involved in the radioactive waste field to ensure that the many responsibilities are properly allocated and understood. This review should be published and should be a preliminary step to giving statutory backing to the responsibilities at present held by the Department of the Environment, RWMAC and NIREX.	The development and implementation of the Government's policy for the management of radioactive waste requires a range of expertise and has implications for the responsibilities of many Departments. Under the chairmanship of the Department of the Environment there are arrangements for issues and problems to be considered collectively within Government and with the nuclear industry. There are also close working links between the Departments and agencies principally concerned. There has been no organisational review involving the basic responsibilities of Departments for the management of radioactive waste, although in the past year, the Committee structure for liaison between Departments and between Government and the industry has been simplified. The future of the Radiochemical Inspectorate has been considered as part of a review of all the inspectorates dealing with pollution and worker safety.
39. British Rail should reconsider the possibility of timetabling movements of radioactive material so that the remote chance of an accident involving inflammable materials in a tunnel can be made even more remote.	British Railways Board is examining the feasibility of this recommendation; even though the risk of an accident involving radioactive and inflammable materials in a railway tunnel is, as the Committee accepts, remote.
40. Wherever possible, radioactive	Although the possible safety

waste, especially spent fuel, high-level waste and plutonium should be carried by rail in preference to all other modes of transport. The carriage by air of all except the very lowest levels of radioactive materials should be prohibited.	advantages of rail transport are recognised, the evidence now available does not clearly indicate any compelling reason to prefer rail transport to other modes on the grounds of safety and for the substances specified. Nevertheless, the safety aspects of the transport of radioactive materials by all modes are subject to periodic re-examination by the Department of Transport taking account of the recommendations arising from the IAEA's continuous review process and coming from the modal regulatory authorities. The prohibition of the air transport of all radioactive materials, other than those of the very lowest activity levels, would not be justified on current evidence. Large quantifies of radioactive materials are moved by air. The risk of an accident is nevertheless very small. If one should occur the packaging required in accordance with IAEA regulations, has a high standard of resistance to damage, and the possibility of the environment being contaminated is very slight indeed. Air is a particularly appropriate and safe means of transport for many types of consignment and its availability should be maintained. Its continued use, in appropriate circumstances, is also in line with the recommendations of the IAEA, that the time that nuclear material remains in transit should be reduced to a minimum. ACTRAM has suggested the need for a review of IAEA package design standards in relation to air transport. This will be taken up through the normal international procedures for the continuing review of the regulatory standards.

41. ACTRAM should consider whether changes in practice are needed to ensure the greater control and safety of the transport of radioactive materials through the English Channel.	ACTRAM is considering this recommendation.
42. At the very least the present level of radioactive waste research commitment should not be allowed to fall in real terms while important and pressing problems remain unsolved.	Prime responsibility for research into the safe disposal of radioactive wastes rests with the producers: the nuclear industry; but a considerable programme is also commissioned by Government Departments and Agencies. As NIREX enters into a major site investigation programme with respect to near-surface and deep disposal, there will be a substantial increase in the research commitment in that field over the next few years. Whilst the Government is aware of major technical problems which remain to be solved, there have to be extensive site-specific studies to determine the retention characteristics of the geology at each potential disposal location.
43. The DOE, as part of its lead responsiblity for radioactive waste policy should be more alert to any important gaps in the UK research programme such as research into land and sea disposal of high-level wastes and the appraisal of reprocessing and alternatives to it.	The Government accepts that radioactive waste policy must ensure that there are no significant gaps in the UK research programme, and that full account is taken of a range of waste management options, including reprocessing and alterantives to it, storage and disposal in continental, geological structures or beneath the sea-bed.

Recommendations	Response
1. We recommend that the Department should undertake and publish a full analysis of the reasons for: i. the overall increase in the number of planning appeals being made; ii. the steady increase in the number of appeals being allowed; iii. the variable outcome of an appeal depending on the appeals procedure used. (Paragraph 21)	As the Committee notes in its report, the Department publishes quarterly statistics showing the number of appeals decided; these are broken down into the categories written representations, public local inquiry or informal hearing, and indicate for each the number and proportion of appeals allowed. The Chief Planning Inspector's annual report provides additional, more detailed, information. The Government is monitoring carefully for policy and management purposes both the increase in the number of appeals overall and the proportions of different types of appeals allowed. It is easy to make a simple causal link between increases in the proportions of appeals allowed and the increase in the number of appeals overall. But the relationships and possible causal connections are complex. Behind the aggregate statistics are the many individual decisions taken by a large body of Inspectors, or by the Secretary of State, in the light of the material planning considerations in each particular case.
2. We recommend that there should be a presumption that costs will be awarded against an unsuccessful appellant on a second or subsequent appeal for similar development on broadly the same site except where the Secretary of State is satisfied that, due to changes in policy or in the character of the development proposed, the behaviour of other parties to the appeal, or other relevant circumstances, an award should not be made. (Paragraph 53)	The policy set out in the draft circular is closely in line with the Committee's specific recommendations relating to costs. It is made clear that costs may be awarded against a planning authority in cases where planning permission has been refused unreasonably, including cases where an application has been refused although there are no reasonable planning objections to the proposal. Similarly, costs may be awarded against an appellant who is pursuing an appeal which has no likelihood of success. One example

3. We recommend that costs be awarded against local planning authorities where an appeal is upheld against a refusal and the Secretary of State is satisfied that such refusal was made for reasons other than sustainable planning grounds. (Paragraph 54)	is the case cited by the Committee where the appellant is or should be aware that the Secretary of State has recently refused planning permission in respect of the same site and development, and the circumstances have not changed in the meantime. The draft circular also indicated that awards of costs in favour of or against third parties will be made only very exceptionally, and explains the circumstances in which a partial award of costs may be made. Costs may already be awarded for a failure to comply with procedural requirements (such as time-tables) relating to the handling of an appeal where this has caused one or other of the parties to incur unnecessary expenditure.
4. We recommend that costs should be the primary method of reinforcing the statutory timetable of inquiry appeals recommended by us in paragraph 73. (Paragraph 55)	
5. We recommend that the Secretary of State should be prepared to award costs where at an inquiry no substantial evidence is brought by one of the parties to counter any material factual statement contained in the statement by the other party which has not been previously agreed. (Paragraph 56)	
6. We also recommend that clear power should be taken for the Secretary of State to make a partial award of costs to introduce an element of flexibility in cases where there has been default on both sides and where the default of one party was not the sole cause of delay or of inconvenience to the other. (Paragraph 57)	
7. We recommend that the Secretary of State should consider the feasibility of a scale of costs/penalties to be laid down (subject to periodic indexation) for breaches of various procedural requirements. (Paragraph 58)	) See response to Recommendation No. 10
8. Third parties should neither receive costs, nor be liable to	

pay the costs of other parties. (Paragraph 59)	
9. We recommend that the Secretary of State should undertake a thorough revision of his criteria and procedures on the award of costs, and should publish a new comprehensive circular giving detailed guidance as to the types of case where he would anticipate that costs would be awarded. (Paragraph 60)	
10. We recommend that a successful appellant should have the right to apply to the Lands Tribunal for an assessment of the compensation payable by the local planning authority in respect of all losses flowing directly from the action of the local planning authority in, without any planning justifiction, refusing a grant of planning permission, imposing a planning condition or failing to determine an application within the prescribed time. In any such proceedings, the decision letter of the Secretary of State or his Inspector should be conclusive as to the facts found therein, but either side should be permitted at the discretion of the Tribunal to adduce further facts which were not before the Inspector or the Secretary of State. (Paragraph 63)	The underlying principle of the costs regime is that a party to a planning inquiry who is guilty of unreasonable, vexatious or frivolous conduct should reimburse any expenditure which another party has been forced to incur unnecessarily as a result. The Committee's proposal relating to a fixed scale of costs/penalties for a breach of procedural requirements would move away from the principle of reimbursement to a form of quasicriminal sanction. This would require amending legislation, and the Government does not consider that this would be an appropriate way of enforcing procedural requirements in planning appeals. The proposal that compensation should be payable for all consequential losses, and not simply to reimburse unnecessary expenditure, which would also require legislation, would amount to a new cause of action against local authorities for the unreasonable exercise of their planning powers. Local authorities are already liable in damages for the negligent exercise of their functions, and the Government is not persuaded that it would be right to go beyond the existing legal position simply in relation to one specific local authority function.

11. The Department should recruit sufficient full and part-time Inspectors to ensure that it meets its target for a median handling time of 11 weeks by the end of 1988 for written representation appeals. (Paragraph 66)

12. We recommend that

    i. The DoE should immediately recruit enough full time Inspectors to ensure that it will meet its target of arranging 90% of inquiries within 16 weeks of appeal by late 1987:

    ii. The DoE should take a far firmer stance with local authorities and appellants on offering possible inquiry dates. Where an inquiry cannot be fixed by mutual agreement to take place within 16 weeks of an appeal being lodged, the Department should specify a date on an unnegotiable basis as soon as possible thereafter;

The Government accepts that, concomitant with changes in procedures, more resources are needed if a marked acceleration in decision-making is to be achieved, particularly in view of the increased rate at which appeals have been submitted since the management reviews were undertaken. The Department has recently engaged 19 contract Inspectors, and further salaried Inspectors are being recruited by open competition. It is estimated that around 25 salaried Inspectors will need to be recruited during 1987 to maintain the established complement. The volume of appeals is constantly monitored and sufficient full and part time Inspectors will be recruited to achieve the proposed accelerations of median times set out in the Action Plans.

The Government recognises that the delays which occur in fixing dates for public inquiries are a major cause for concern. The constraint is not so much the Inspectorate's manpower but rather the inability of the parties to the appeal to agree to a mutually convenient date. problems in this respect have increased in recent years. DoE Circular (18/86) on procedures for written representations appeals included proposals to curtail the time allowed for negotiation about inquiry dates, and to reduce the number of opportunities for the parties to refuse dates. These proposals are a measure of the importance which the Government attaches to the need to reduce the interval between the lodging of an appeal and the opening of the inquiry; and of the Government's willingness to oblige the parties to be ready for inquiries at much earlier dates than in the recent past. The Department is also taking steps to encourage better co-operation by parties in settling

	an early inquiry date; and the Inspectorate is to press those local planning authorities whose appeals caseload is not being matched by adequate resources to make arrangements which allow inquiries to be held within a reasonable time.
iii. The DoE should publish details to show which local authorities regularly fail to arrange for an inquiry to take place within 16 weeks of the lodging of an appeal. (Paragraph 69)	In the Action Plan on inquiry appeals, the Department accepts the need for a facility to collect statistics on performance of planning authorities and to monitor change. It will collect these figures, and consider publication if the measures now in hand fail to enable the Department to achieve the target times in the Action Plan.
13. We are convinced that the Inspectors need new powers to enable them to exert more influence over inquiry proceedings prior to the actual hearing. (Paragraph 70)	The Government agrees that firm, demanding timetables are needed for all inquiry cases, to run from a clear point early in the life of the appeal of call in. Draft rules 5(4), 6 and 13 (annexed to the consultation paper at Appendix II) are intended to provide a reasonable balance between the need for minimum delay and the need for the parties to have adequate time to prepare their cases. One of the main objectives of the proposals in the consultation paper is to ensure that in the case of major inquiries the main parties at least provide an outline statement of case before any pre-inquiry meeting is held, and that a full statement of case is provided four weeks after the last pre-inquiry meeting.
14. We recommend that a statutory inquiry timetable should be adopted to run from the date the appeal was first lodged. Third parties excepted, unreasonable failure to comply with the timetable should provide the basis for an award of costs to the other party. Any such timetable should include:	
i. a local authority statement of case and a full statement of the factual background to be submitted within 28 days of the appeal being lodged:	The Government's intention is that the wide-ranging powers which an Inspector already has to regulate the conduct of the proceedings should be stated more explicitly in the Rules. These include powers for the Inspector to refuse to hear evidence or to permit the continuance of cross-examination that he considers irrelevant or
ii. a statement of case form all appellants to be lodged within 14 days of receipt of the local authority statement:	

	repetitious, and to require a
iii. an exchange of all written proofs of evidence not later than two weeks before the inquiry is scheduled to open. This should enable the Inspector to direct that proofs should be taken as read at the hearing.	person behaving in a disruptive manner to leave the inquiry. It is proposed to give the Inspector a new power to require that a summary of a proof of evidence shall be prepared, and that only this summary shall be read out, unless the Inspector permits otherwise.
Unless there are strong reasons to the contrary the Inspectorate should require other documents to be circulated. These include documents to be submitted by section 29 parties and other parties entitled to appear at the inquiry, a statement of facts agreed between the main parties and an agenda drawn up by the Inspector to indicate the main issues for consideration at the inquiry. (Paragraph 73)	
15. We recommend that inspectors should be given an explicit power to reject all new evidence after the close of a public inquiry unless in their judgement the circumstances are exceptional and the evidence is capable of materially affecting the outcome. (Paragraph 74)	Post-inquiry evidence is already taken into account only when it is material to the decision. The draft revision of the Rules at Annex 2 to Appendix II contains an amended version of the relevant rule. Its precise terms will be considered further in the light of any comments received on it.
16. We see no reason why the decision stage for transferred public inquiry cases should not reduce to a median of 1 or 2 weeks in due course. (Paragraph 76)	The Department's Action Plan of May 1986 announced that a median time of 7 working days for the stage of the process after the close of inquiry or site visit would be achieved by reducing levels of monitoring of work of Inspectors before decisions are issued and by issuing Inspectors with suitable word processors. A pilot project on the use of word processors will be starting early in December 1986.
17. We recommend that the Secretary of State should recover for his	The proportion of cases recovered for decision by the Secretary of

own decision only those appeal cases causing substantial public or Parliamentary controversy or involving a novel policy issue or of such significance that they are subject to the Department's pre-inquiry code for major inquiries. (Paragraph 79)	State now stands at only 4-5% of the total. As noted by the Committee, regulations came into force on 1 May 1986 which will have the effect of transferring to Inspectors some 200 appeals per annum, mainly minor cases linked with listed building consent appeals. The Department has been reviewing the criteria for recovering cases. The Government has adopted revised guidelines which will reduce the number of cases recovered by a further 100 or so a year. Details of the revised guidelines are as follows:- 1. Residential development of 150 or more houses. 2. Proposals for development of major importance having more than local significance. 3. Proposals giving rise to significant public controversy. 4. Proposals which raise important or novel issues of development control. 5. Retail developments over 100,000 square feet. 6. Proposals for significant development in the Green Belt. 7. Major proposals involving the winning and working of minerals. 8. Proposals which raise signifcant legal difficulties. 9. Proposals against which another Government Department has raised major objections. 10. Cases which can only be decided in conjunction with a case over which Inspectors have no jurisdiction (so-called "linked" cases).

18. We recommend that where Government policy on controversial planning matters remains unclear, the Secretary of State should take steps to spell out the criteria likely to influence his consideration of such matters on appeal. (Paragraph 85)

The Government agrees with the Committee that it is important that the development control activities of local planning authorities should take place against the background of clear expressions of national policy by the Government. Circular 14/85 is a prime example of the Government's systematic efforts in the present decade to provide such clear advice - in that case about a basic principle underlying the planning system which practitioners seemed in danger of forgetting. It was, however, only one of a series including Circulars 22/80 (Development Control Policy and Practice), 22/83 (Planning Gain), 14/84 (Green Belts), 15/84 (Land for Housing), 18/84 (Industrial Development), 1/85 (The use of conditions in planning permissions), and 2/86 (Development by Small Businesses). In addition, there have been Circulars on narrower topics such as Opencast Coal Mining (3/84), Planning Control over Oil and Gas Operations (2/85), controls over hazardous development (9/84) and enforcement (26 & 38/81). Guidance is also supplemented when necessary in whtie Papers and Parliamentary statements. Major retail development, which the Committee believes to be a subject on which clear policy advice is lacking, is a case in point, where an existing Development Control Policy Note was supplemented by a Parliamentary written answer on 5 July 1985. It will continue to be the Department's practice to issue such guidance wherever appropriate.

The Government recognises that its policy advice is not always as easily accessible to local planning authorities and developers as it could be, especially where it appears in a number of circulars.

	The annex to Circular 2/86 on small businesses is an example of efforts to bring together in a single place passages relevant to planning and small businesses. The Government will seek to repeat this process from time to time on other subjects as necessary and it will consider improving the form in which such compendia are presented. It also intends to publish in due course an index of extant planning circulars and other policy guidance.
19. We recommend that the parties to an appeal be required to indicate on the DoE's appeal questionnaire what steps have been taken prior to appeal to resolve their differences. Failure to negotiate in appropriate cases should be taken into account as one element in considering whether the conduct of a part has been so unreasonable as to justify an award of costs to the other part (Paragraph 88).	The Department has specifically encouraged applicants and local planning authorities to seek to resolve their differences through negotiation wherever possible (for example in Circular 31/81 "Planning and Enforcement Appeals" and Circular 2/86 "Development by Small Businesses"). The point is reinforced in DoE Circular 18/86 on written representations appeals. The draft circular on the award of costs (see paragraph 47) already envisages that in certain circumstances failure to negotiate will be grounds for an award of costs and unreasonable behaviour of this kind will normally come to light during the appeal process. However, in appealing the developer is exercising a statutory right and it is questionable whether the onus should be on him to demonstrate that it is reasonable. The Department will strengthen the advice on negotiation in its next revision of "Planning Appeals - A Guide".
20. We recommend that every notice issued by a local authority refusing planning permission should, coupled with notice of the applicant's right of appeal, carry a standard offer of further discussion with the local authority and should also offer to provide more detailed written reasons for refusal in	The Government agrees with the Committee that local authorities should aim to disclose from the outset all relevant grounds for refusal or the imposition of conditions. This advice was stressed in DoE Circular 2/86 ("Development by Small Businesses"), which stated, "it is important that, where permission

the event of their being notified that the applicant is considering an appeal. This supplementary note of refusal should be issued within 14 days of such notification from the applicant. The supplementary note of refusal should list all grounds for refusal including objections by other statutory authorities. These grounds for refusal should be supported by extracts from relevant policy documents such as the local plan or Development Control Policy Notes, and full copy of any report on the application considered in Committee by planning authority members. (Paragraph 91)	must be refused, clear and relevant reasons are given: care in explaining the decision can save much frustration and a futile appeal". This advice is to be given statutory force in the forthcoming consolidation of the GDO, in which it is intended to give greater precision to the requirement that reasons be given for refusals of planning permission or the imposition of conditions. As a matter of good practice the reasons given in the authority's notice of determination should be clear and precise. They should therefore form a perfectly adequate basis for the appellant to state his grounds of appeal. In most cases the statement of reasons should (with the other relevant documentation, in particular the planning officer's report to his committee) be all that is required to present the authority's case. A supplementary note, as proposed by the Committee, would be likely to undermine the Government's efforts to encourage the giving of adequate reasons in all cases.
21. We recommend that the Department should take steps to make information from its computerised Relevant Case Records system more generally available to local authorities, appellants and their advisers. (Paragraph 92)	The Government agrees that it is helpful to the effective operation of the development control system that as much information as possible on the Secretary of State's approach to appeal decisions in particular types of case should be available to local planning authorities and developers. From time to time the Secretary of State makes press releases on cases which he considers of particular significance. Copies of decision letters can be obtained from the Inspectorate. Reports of significant planning appeal decisions are given in various publications. Earlier this year a new quarterly periodical was

	introduced by a well-known legal publishing house, in addition to those which already included such material. These publications are clearly of value to potential appellants and to local authorities, drawing as they do on the texts of the decision letters concerned. The Department sends to the various publications copies of decisions which it regards as significant. The Department accepts that the appeals data held by the Planning Inspectorate should in principle be more widely available. However because of the limited nature of the data at present held in the Relevant Case Record System, it would be of little help to appellants or local planning authorities in its present form for the purpose which the Committee has in mind. The possibility of linking the Relevant Case Record System to an electronically stored library of decision letters is under consideration. this would produce a data base that could usefully be made available to the parties to an appeal. Progress towards such a system will depend on the availability of resources.
22. We recommend that the period in which an appeal may be lodged should be 3 months which shall be extended to 6 months where the applicant has first sought discussion and negotitions with the local planning authority within the first 3 month period (paragraph 93)	As the Committee has noted, the Department has already considered and decided against a reduction of the present period of 6 months allowed for the applicant to make any appeal to the Secretary of State. There is clear evidence that appeals lodged towards the end of the 6 months' period are least likely to be withdrawn, while those made soon after the refusal are the most likely to be withdrawn. A reduction of the period is therefore likely to result in more appeals and more withdrawals, not less. The Government accordingly prefers to give every encouragement to consultation and negotiation

	between local planning authorities and potential appellants and would therefore be reluctant to take any action which might result in a greater number of appeals which would subsequently be withdrawn.
23. We recommend that the Inquiries Procedure Rules should be amended so as to encourage inspectors to take a more active part in inquiries without the risk of their decisions being quashed for breach of the rules of natural justice. (Paragraph 95)	The expansion of the Inquiries Procedure Rules to deal in greater detail with the pre-inquiry stages and to make explicit the Inspector's powers to control the inquiry is essential if reports on cases going to inquiry are to be provided more promptly. The Government would be concerned however if the revised rules, and the power in the Housing and Planning Act 1986 to make rules in respect of other types of case were to be intepreted as a move in the direction of legal formality in the appeals process. The Inspectorate does not seek to promote formality in any type of case. The Government agrees with the Committee that, even where representations are being fully tested in cross-examination, the aim of all concerned should be to use an approach and methods which establish the relevant information collaboratively, in an open and relaxed manner. Once again, this is as much a matter for the parties and their representatives as for the Inspectorate. Rule changes which enable the Inspector to take a more active part in the proceedings would not necessarily solve the problem where one or other or both the parties are determined to formalise the proceedings and to seek temporary tactical advantages.
24. We recommend that the appellant, local authority and any directly affected third party should be invited to accompany the Inspector on a site visit made in connection with written representation	The Government is not convinced that it would be wise to promote accompanied site visits in written representations cases in the way recommended by the Committee. It is fundamental to the written representations procedure that all

appeals.	the evidence and arguments on which the parties rely are set out in written statements. If this is done, there is no need for further oral representation - the Inspector inspects the site and its surroundings simply so that he can assess the weight to be given to the issues raised. If discussion of the merits of the case were permitted during site visits, the Inspector would be obliged to take notes of the submissions, often in very difficult conditions. There would be a need for procedural rules to set limits to the extent to which oral submissions could be made; otherwise, there would be the possibility that some parties would save what they regard as their best arguments for the site visit. Site visits would become in the nature of informal hearings. Experience has shown that to arrange an acompanied site visit at a time acceptable to the principal parties can take 2 weeks longer than an unaccompanied site visit. There are often many interested persons who might wish to attend. Local authorities would need to send a representative of sufficient seniority to deal competently with any submissions made. At present 40% of site visits take place without the need to arrange prior appointments; they can be allocated immediately to Inspectors to give them a full load of work at any time. Thre result of all this would be the need for greater resources and costs in handling the cases concerned.
25. We recommend that the power to issue an Advance Notice of Decision should be extended to the written representation and informal hearing procedures. (Paragraph 98)	Advance notification of decision is already given in appropriate cases decided by informal hearing. In those cases, and in cases decided by local inquiry, the Inspector has heard all the relevant evidence by

	the end of the proceedings. In written representation cases the site visit often takes place before the documentation is complete. In these circumstances if an AND were to be issued at the site visit, the decision would run the risk of challenge as being contrary to the principles of natural justice. For this reason, following an experiment in the issue of ANDs in written representation cases, the Department decided not to adopt the practice generally. The Government's intention is that in written representations cases a decision letter should be issued in a median time of 7 working days after the site visit. Prompt decision after the site visit makes advance notification of decision unnecessary.
26. We recommend that an appellant should be able to opt for an informal hearing appeal. (Paragraph 100)	The scrutinies of written representations and inquiry procedures both endorsed the present practice of not leaving the parties the final choice as to whether a case proceeds by way of informal hearing. The Act gives the parties the right to be heard or to dispense with the right to be heard; it does not allow the parties to prescribe the type of hearing. To deal with cases by informal hearing when they can satisfactorily be decided by means of written representations would increase the costs of the Department and of planning authorities and could delay decisions in the cases concerned: on average, Inspectors can decide 3 written representations cases for every 2 cases decided by informal hearing. The Government therefore believes that the procedure should remain that where one or other of the parties elects for a hearing, the Department will advise the parties if it considers that the case is suitable for an informal hearing.

27. We recommend that the Department should introduce on an experimental basis a simple procedure for appeals by householders in connection with developments to their own properties and should report the results of the experiment to Parliament. The Department should consider offering this kind of simple appeal for other kinds of development. (Paragraph 104)

The Government agrees with the Committee that the procedure for the most straightforward appeals should be simplified further. This can best be achieved, in the Department's view by keeping the documentation to a reasonable minimum. With that in mind, DoE Circular 18/86 on written representations appeals encourages local planning authorities to submit full statements of case only where necessary, and suggests that on receipt of an appeal the authority should:

a. advise interested parties;

b. complete a simple questionnaire and submit this to the Planning Inspectorate together with copies of any relevant correspondence with statutory agencies and interested persons, the planning officer's report to committee, any relevant committee minute and extracts from the relevant plans or policies on which their decision relied; and

c. consider whether any further statement of case is needed.

28. We recommend that the Department adopt fresh and more wide-reaching criteria for call-in as outlined in paragraph 128 and that there should be closer monitoring of the process (Paragraph 123)

The Secretary of State's discretion under section 35 of the 1971 Act to require that a planning application, or class of application, be referred to him for decision is broadly drawn. In so far as decisions whether applications should be referred to the Secretary of State are taken on a case-by-case basis, each decision must be made in the light of the circumstances of the particular case and the Secretary of State must not fetter his discretion by the rigid application of any particular policy towards such cases. His general approach is however not to interfere with the

	jurisdiction of the local planning authority unless it is necessary to do so and to require reference to him only where matters of more than local importance are raised by the applications. In consequence, it is to be expected that directions to refer applications to him will be relatively rare. The Government recognises the importance of consistency between its various decisions to direct reference of applications to the Secretary of State and will continue to monitor carefully its decisions to ensure that cases which merit call-in are referred to him. The Department of the Environment and the Welsh Office are considering whether more detailed guidelines against which decisions to call-in cases are taken would be desirable.
29. We recommend that the Department conducts a thorough going review of the adequacy of the procedures by which local authorities grant themselves planning permission and of the Town and Country Planning General Regulations 1976 and the safeguards contained in them. (Paragraph 127)	The Government notes the Committee's view that in the vast majority of cases the procedure in the 1978 General Regulations under which local planning authorities deem themselves to have permission from the Secretary of State for their own development, or development on land owned by them, raises few problems and is uncontroversial. The Department has however already instituted a review of the working of these regulations.
30. We recommend that the Development Plans Directions, which require that certain kinds of planning application should be referred to the Secretary of State, should be widened so as to require the notification to the Secretary of State of all planning applications which the local planning authority does not propose to refuse, and which relate to development: i. which in their opinion	) See response to Recommendation 31

constitutes a significant departure from the structure plan for the area or from any policy or general proposal of an approved local plan which conforms with the structure plan;

ii. which in their opinion would harm an interest of acknowledged importance, by reason of its scale and/or its location in an area of environmental significance;

iii. which in their opinion, or in the opinion of an adjoining local planning authority (outside London and the metropolitan areas) would cause demonstrable harm to the statutory planning policies of an adjoining local planning authority;

iv. which involves a site in which the local planning authority own an interest and propose to dispose of an interest in it to allow the development to be undertaken by another; or where the applicant has agreed, if permission is granted to provide some financial or other non-planning advantage going beyond the criteria of DoE Circular 22/83 (Planning Gain);

v. where there is an unresolved objection from another local authority, water

authority, Government department, the Countryside Commission, the Health and Safety Executive or the Nature Conservancy Council.

The Secretary of State should review the adequacy of the background documentation currently required under the Development Plans Directions with a view to allowing local planning authorities to comply readily and efficiently with these requirements. (Paragraph 128)

31. We also recommend that the Secretary of State should becomes subject to a statutory duty to consider all notifications made to him under these provisions and to notify the local planning authority within 14 days whether he proposes to call-in the application; moreover he should monitor the consistency of call-in decisions as between the Department's regional offices. (Paragraph 129)

The Government does not however consider that it is necessary or desirable to expand in the manner proposed by the Committee the categories of case which local planning authorities are required to notify to the Secretary of State. Under the Committee's proposals a very large number of applications would have to be notified, decisions in all the cases concerned would be likely to be delayed, and there would be an implication that in a considerable number of cases the decision ought to be taken by the Secretary of State. Parliament has charged local authorities with the responsibility for development control, along with many other important administrative decisions. They are democratically elected bodies accountable to their electorates for their decisions. In the view of the Government, it would imply an unnecessary degree of central control for the decision in a considerable number of planning applications to be taken by the Secretary of State rather than by the local authority. The Secretary of State should intervene only when there are compelling reasons why the local authority ought not to be entrusted with the

	decision. The present arrangements for notification seem to the Government to work satisfactorily, particularly as it is open to any individual or body to make representations to the Secretary of State for the call-in of an application. There is no reason why these decisions cannot be made promptly in most cases, and, where necessary, the Department is normally able to obtain from the local authority without difficulty any additional information required to enable the decision on call-in to be made.
32. We recommend that there should be a separate right of third parties to require the Secretary of State to call-in an application, whether or not it has been notified to him under the proceeding requirements where the local authority does not propose to refuse the application and where the application is one within Category (ii) paragraph 128, or relates to a site in which the local authority owns an interest or where the applicant has agreed, if permission is granted, to provide some financial and other non-planning advantage going beyond the criteria of DoE Circular 22/83 (Planning Gain). (Paragraph 130)	Unlike developers, third parties have not had any rights removed by the modern system of development control. Rather where the citizen is concerned about development proposed by an occupier of land, he now has the right to make representations to a democratically elected local authority charged with determining the planning application. The Government therefore shares the Committee's view that it would not be appropriate to give third parties rights to appeal to the Secretary of State against the grant of planning permission. The Government considers that it would be equally inappropriate to give any rights for third parties to require the Secretary of State to call-in certain categories of application. It is already open to third parties not only to make representations to the local planning authority, but also to make representations to the Secretary of State that the decision ought to be taken by him (whether in respect of an application under Part III of the 1971 Act or a proposal under the Town and Contry Planning General Regulations 1976), so that the Secretary of State can decide whether in all the circumstnaces

the decision ought to be taken by him rather than the local planning authority. It must be for the Secretary of State's judgement as to whether a particular application raises issues of such significance as to warrant his taking the case out of the hands of the local authority to which Parliament has entrusted day-to-day decisions on development control matters. In doing so he would in any event take into account as necessary the considerations referred to in the Committee's recommendation.

33. We recommend that the Department of the Environment undertake a cost-benefit analysis of paying realistic compensation to those financially disadvantaged by the consequences of proposals which are the subject of major inquiries as against the costs to the national economy of such inquiries. (Paragraph 167)

The purpose of the present compensation provisions is to ensure that people are not financially disadvantaged as a result of the compulsory acquisition and development of land by Government departments, local authorities, and other public bodies. To the extent that the provisions were improved, there might be a reduction in the number of objections concerned solely or mainly with loss of property and terms of compensation. But the Government does not believe that the problem of lengthy inquiries can be solved simply by better compensation arrangements. For some objectors the issue is not the loss of their own property but of the wider impact of new development on the local environment, and national policy issues such as the safety of nuclear power, the need for energy saving, or whether there is a need for a road at all. A cost-benefit analysis on the lines suggested by the Committee would be likely to be of doubtful utility because calculations of the time and cost savings would depend upon highly uncertain predictions of the possible effects of different levels of compensation on the behaviour of objectors and therefore on the length of inquiries.

34. We conclude that:

i. Wherever possible, national policy should be clearly determined and laid down by Government prior to a planning inquiry on a major development which should take place within the context of such policy:

ii. As far as is practical, the questioning of national policy determined elsewhere should not be allowed to impinge upon public inquiries, which should be concerned with site specific issues and with whether a particular site fits within the national policy;

iii. Where national policy considerations are unavoidable in respect of a major development and government needs a public inquiry to determine that policy, it should:

a. in a development proposal which involves a number of alternative or successive sites, seek the assistance of a Planning Inquiry Commission, for which statutory provision exists, before using site specific public inquiries;

b. in remaining cases, use a unitary major public inquiry, modified by the use of the DoE's new Code of Practice. (Paragraph 181)

The Government recognises the importance of giving the greatest possible degree of precision to the policy background against which the decision on a particular project should be made. As the Committee point out, there is a number of ways apart from public inquiries, in which this can be done, with the participation of the public as necessary. They range from Royal Commissions to departmental consultation and from investigations by Parliamentary Select Committees to debates on Government White Papers. The method chosen needs to be appropriate to the particular case, and Ministers will continue to decide case-by-case the best instrument for the purpose. The terms of reference for the site-specific inquiry itself need to be decided against the policy background which is relevant to the case. They should be a precise as possible and should build upon relevant matters which have already been settled publicly by an appropriate process. It should be noted that the consultation paper on amendments to the Inquiries Procedure Rules referred to in paragraph 27 above includes a proposal to strengthen existing requirements relating to the provision of a statement of the issues which seem to the appropriate Minister to be likely to be relevant to his decision on the particular case. In preparing such statements, Ministers will continue to consider how far it is apropriate for national policy issues to be brought within the scope of the particular inquiry, and how far they should seek to limit the inquiry to site specific issues. There may well be cases in which a major public inquiry is a perfectly reasonable instrument for inquiring into the policy

	background as well as the suitability of the particular site or sites. In others, limited terms of reference will be perfectly reasonable, in view of earlier public debate and decision. In their report, the Committee discuss the merits of a two stage process, with a first stage devoted to policy issues and the second to site specific issues. The Government notes that the Committee have recognised the difficulty of distinguishing between the two kinds of issues in most cases, and the Government agrees with their conclusion that a split into two stages would normally offer little in terms of greater speed, efficiency and thoroughness.
35. We recommend that, as a general rule, inspectors at major public inquiries should use a more inquisitorial approach than has been used in the past. This may involve the appointment of inspector's counsel in some cases. (Paragraph 186)	For a number of years, Inspectors have been encouraged to take a more active part in the proceedings, to ensure that all relevant issues are covered, that irrelevant evidence or cross-examination is curbed, and that the proceedings are conducted in an efficient and effective manner which avoids time wasting. One of the objectives of the proposed amendments to the Inquiries Procesure Rules is to strengthen this approach. For major schemes of the type under discussion in this part of the Committee's report, it would be surprising if the distinguished independent people who are appointed as Inspectors felt much inhibition about adopting the form of inquiry which they believe is most conducive to discharging their task. The Government is not convinced that it is necessary in the general case to appoint inspector's counsel for this purpose, and the effect of such an appointment may in fact be to make the proceedings longer. Nevertheless, the Government has

not ruled out the possibility of making further appointmnents of this kind in appropriate cases.

36. We recommend that the Government should devise a scheme whereby it gives financial assistance to those who help it to decide policy at major public inquiries and not expect them to bear the costs of submitting evidence themselves; with the particular purpose of securing adherence to timetables and assisting co-ordination between groups making similar submissions (Paragraph 193)

The Committee put forward two arguments in support of their recommendation that financial assistance should be given to "those who help the Government to decide policy at major public inquiries". The first is that it would be a quid pro quo for the additional burdens placed on objectors by the use of the pre-inquiry procedures set out in the proposed amendments to the Inquiries Procedure Rules and the Code of Practice. The Government accepts that there will be costs for third parties in meeting the requirements of these procedures, but the benefits to be gained from them in terms of the efficient handling of business will reduce the length of inquiries, and this will result in cost savings for objectors as much as for other parties. The Government believes that the savings will outweight the cost of meeting the requirements. The second argument is that funding will assist co-ordination between groups making similar submissions, but no evidence has been produced in support of this view. It might equally be argued that the lack of public funding encourages groups making similar submissions to combine, because they cannot afford to do otherwise.

37. We recommend that , in the immediate term, a scheme should be incorporated into the Code of Practice, for all cases where issues of national policy fall within the remit of the inquiry, for the Secretary of State to make funding available to third parties on an ex gratia basis in accordance with recommendations made to him by the inquiry inspector, and for the inspector to have express power to commission research, to be carried out by participants, individually or collaboratively, or by others. (Paragraph 194)

It remains the Government's view that the funding of third parties would do nothing to improve the efficiency of public inquiries, and would be more likely to make major inquiries last even longer. While it is recognised that some objectors regard the present inquiry system as unfair, because of lack of funding, the Government has concluded that any funding scheme would be open to similar

complaints, because it favoured one objector against another, and implied that the Government had decided before the inquiry opened what evidence was or was not likely to be helpful. It should also be remembered that the local planning authority, and other publicly funded bodies already appear at inquiries to represent the general public interest.

1. It is important to stress that river and estuary quality in this country is generally very high. (Para 6)

The Government agrees and believes that the Committee's subsequent recommendations for improved pollution control measures must be seen in this light.

2. We recommend that if the Government continues with its proposals to repeal section 46 (1)-(3) of COPA, then the water authorities should, in addition to their existing power, have a duty imposed upon them to have regard to the effect that effluents may have on flora and fauna when granting or varying discharge consents. (para 15)

The Government attaches great importance to the conservation of aquatic, flora and fauna, and considers this a key test of the acceptability of water quality standards. On the whole numerical standards cannot be set for wildlife conservation as readily as for potable water supply and other uses, and each case tends to be special; but this should not obscure the importance attached to wildlife conservation within wate policy and administration in Britain. Conservation considerations are bu several levels to th water pollution cont existing water qual classifications are primarily in terms o characteristics they the wildlife they wil directly in i. act of of fishery a. indirect respect of other forms which represe t an impor of the amenity a river. Government doc not there accept water quality mana ent. at present gives inadequate consideration to wildlife. Nor does the Government believe that the specific recommendations to which the committee subscribes is sound. Section 46(1)(3) of the Control of Pollution Act (COPA) is, in the Government's view so widely drawn as to be almost unworkable and likely to leave authorities in serious doubt as to the extent of their duties. In practical terms it would contribute little to furthering conservation interests.

	Other Measures in the 1986 consultation proposals can, in the Government's view, meet the needs of wildlife conservation in a more effective manner. It would also be inappropriate, in the governments view, to add a specific duty for water authorities to have regard for flora and fauna in setting discharge consents, as the committee proposes. Rather the Government prefers to rely on the authority's general duty in respect of conservation, supplemented by the other measures set out above.
3. We conclude that the DOE needs to draw up a national strategy to maintain and improve water quality with a clear timetable for its execution. (para 18)	In general the Government sympathises with the Committee's aims. Throughout its examination of the future structure of the water industry it has been the Government's consistent view that - whatever detailed structure was adopted - the ability of Ministers accountable to Parliament to develop and implement effectively an overall water environment policy was of the greatest importance. A wider strategic framework therefore remains necessary, which the Government considers can be best provided by a statutory system of river and estuary quality objectives, supplemented by special procedures for control of the most dangerous substances.
4. Clear national water quality objectives seem to us an obvious pre-requisite for a planned and costed programme of improvement. (para 19)	The Government supports the Committee's view ..... its proposals are designed to ensure that priorities are identified which can provide the basis for planned programmes of upgrading and improvement. In doing this, it will take account of the different uses to which rivers and estuaries are put, the different standards such uses require and the standards specified in EEC directives. The Secretary of State and the NRA (National Rivers Authority) will be under a duty to have regard to the objectives in exercising their

	regulatory duties, and to exercise their other pollution control functions in such manner as contributes to their achievement.
5. Poor water authority performance in meeting their own effluent consents cannot be excused. (para. 26) 6. We are convinced that improvement to sewage works effluent is necessary in order to arrest the recent small net decline in water quality and to securing long-term improvement in river quality overall. Other much-needed measures against farm and industrial pollution also discussed in this report will not be fully effective unless pollution by water authorities is tackled vigorously at the same time. (para 30)	The Government fully accepts the Committee's conclusions (recommendations 5 & 6). Out of the 4333 works in England and Wales with numerical consents which were tested for compliance, 965 (or 22%), were failing their consent conditions. In the Government's view this standard of performance requires urgent improvement.
7. We believe that greater scope to borrow commercially would be a positive step which could give the water authorities the added financial flexibility and freedom which they seek, whether this will be achieved by relaxation of Treasury "annuality" or by privatisation. Accordingly, we recommend that greater scope should be given to water authorities to borrow commercially. (Para 34)	Whilst the Water Authorities remain in the public sector any borrowing which they undertake will form part of the public sector borrowing requirement whether it is undertaken through the National Loans Fund or elsewhere. It must be seen and assessed in that light. Until they are privatised, the finances of the water authorities and their successor companies will continue to be reviewed each summer as part of the Annual Review of Public Expenditure, to ensure that they can meet their legal obligations consistently with government authorities. While the framework of nationalised industry financing cannot be relaxed while the water industry is within the public sector, the utility companies will be free, after privatisation, to raise finance by any of the methods available to public limited companies.

8. One matter which is very important is whether the entire regulatory function under COPA could be carried out more effectively by an independent body and not, as at present, by the water authorities and Her Majesty's Inspectorate of Pollution (HMIP) separately. On the face of it, one independent regulatory body seems to be an arrangement with clear advantages. (para 38)	While the arrangements established in 1974 have proved successful in a number of ways, the Government accepts that, over time, some weaknesses have become apparent. There has been continuing concern for the conflicts and difficulties which inevitably arise from placing the regulation of effluent discharges and water abstraction in the hands of the bodies which are themselves the principal dischargers and abstractors. After careful consideration the Government concludes that the development of water pollution control policies would be best served by vesting them in a new public body, the National Rivers Authority when the utility functions of the present water authorities pass to the private sector.
9. If the water authorities were privatised their present regulatory functions would need to be given either to the HMIP or to a new unified and independent regulatory body. (para 38)	
10. In the meantime, under the current dual system it is crucial that regulation of water authority activity must be both rigorous and seem to be so. (para 39)	The Government agrees, and accepts that prosecution should be available as an enforcement tool in the last resort.
11. It would give us cause for very real alarm if the present water pollution inspectorate (or a new unified and independent regulatory body) were not given adequate staffing, resources and the necessary powers to oversee the activities of a privatised water industry. (Para 41)	The Government fully accepts that the resources of the NRA must match the range of functions which fall to it, and take account of the statutory system of river quality objectives and associated developments in sampling and compliance methods. Indeed this will be one of the principal matters for consideration by the National Rivers Authority Advisory Committee in assessing the schemes of reorganisation now being submitted by the Water Authorities. The Government's proposals for the NRA, in conjunction with the establishment last year of HMIP, are generally consistent with the Committee's recommendations and with responses to the Government's consultation proposals.

12. We recommend that the DoE should consider further:	
i. The adequacy and sensitivity to change of the current classification system for rivers and estuaries;	The Government recognises that a satisfactory classification system is the essential link between its goals for the water environment and effective action to advance them. The classifications are now therefore under review by the Government, in conjunction with the Water Authorities and this work will in due course be carried forward by the NRA.
ii. access by the public to the registers maintained under COPA by water authorities, and the range and presentation of information in them; and	The arrangements introduced by the Government in 1985 already ensure free and unimpeded access to effectively all information concerning inputs to the aquatic environment, the consents to which they are subject and compliance to those consents. The Government accepts that ease of access to the information and its range and presentation should be the subject of regular review. On privatisation responsibility for maintaining the registers will be assumed by the NRA and an early task for that authority will be to review the procedures at present adopted.
iii. the possibility of establishing a national water quality archive or an effective networking system for obtaining and comparing regionally held data. (para 42)	The Government note the committee's recommendation, the views put forward in evidence by NERC and the relevance of the economic and social research council's rural areas data bank. The DoE is currently reviewing information requirements following the establishment of Her Majesty's Inspectorate of Pollution and in the light of the proposal to establish the NRA. It is likely that the NRA will regard a "National Water Quality Archive" as an essential aspect of its work.
13. We conclude that the water authorities should seek to enforce the law and prosecute	Although the number of prosecutions for water pollution offences remains small in relation

more frequently than they have done to date. We request the Magistrates Association to reconsider their policy as regards fines and costs in cases of this kind having regard to the seriousness and nature of the problem. (para 46)	to the total incidents, it is rising steadily. However, in the Government's view it must remain a matter of judgement for water authorities, and in the future for the NRA, as to whether a prosecution or advice and persuasion is the most effective course of action for them to take.
14. We recommend that the DoE, or the water inspectorate of the HMIP, should be given a duty to prosecute those water authorities which pollute water courses. (para 47)	The Government proposes however that the legislation should clearly vest in that body a general duty for the enforcement of the relevant provisions of the Control of Pollution Act.
15. We further recommend that the DoE, together with the Water Authorities Association, should publish comprehensive national annual statistics on the number of reported pollution incidents and associated prosecutions with a breakdown of key sources of pollution. (para 48)	Some water authorities already publish details of reported pollution incidents and associated prosecutions. The intention in future years is to show both reported pollution incidents and prosecutions under 9 separate headings.
16. With constraints on traditional disposal routes to sea and land, we consider that incineration of sewage sludge may increasingly become the preferred option. for the future, other disposal routes which convert sludge into useful products will seem more desirable and their viability should be researched and reviewed thoroughly. (para 52)	The Government recognises the Committee's concern. However experience has shown that there can be considerable resistance by local people to the construction of incinerators, and water authority proposals of this kind in the past have foundered at the planning permission stage. Therefore incineration is unlikely to become a major outlet for disposal of sludge in the medium term.
17. UK policy of dumping sewage sludge is regarded as unacceptable by other nations and the UK is becoming ever more isolated regarding this. In consequence Britain will face a considerable challenge on its alleged pollution at the North Sea Conference in November. It seems unlikely that the UK can count indefinitely on sea dumping as	The Government fully accepts the continuing need for UK authorities to demonstrate that the sea disposal of sewage sludge does not have unacceptable effects on the marine environment. The Government remainds of the view that sewage sludge disposal at sea does not significantly affect the marine environment.

an open-ended option for disposal of sewage sludge. MAFF and the DoE need to demonstrate by published reports a thorough investigation of the best practicable environmental option for sewage sludge disposal, and should report their findings to Parliament. These should include evaluations of sludge to land, (landfill and agricultural land); incineration; sludge dumping at sea; sludge pipeline to sea; and also sewage outfalls directly to sea. MAFF should also commission an independent study on the relationship between pollution and fish disease in the North Sea, which should be published. (para 56)	
18. While we would accept that the vast majority of farmers are highly responsible in their approach to preventing water pollution on their farms, effective action is still needed as a matter of urgency to deal with the irresponsible minority causing the problems. (para 67)	Ministers sympathise with the general concern expressed and have decided that the regulatory framework enshrined in the Control of Pollution Act needs to be further developed and strengthened.
19. We conclude that MAFF's reliance on advice will not stem the growing tide of farm pollution incidents. Accordingly, we recommend that MAFF should have a unified conservation and pollution prevention division, headed by an official with the rank of Under-Secretary or above. Together with the DOE, MAFF should take a far more interventionist and regulatory approach to farm pollution. We further recommend that:	The Government has considered each part of these proposals carefully and replies as follows:
i. ADAS should provide a great deal more advice on	The Government accepts that more can be done to ensure that the

conservation and pollution prevention free-of-charge. This service should be widely publicised. Both on-the-spot advice, and all relevant literature, should be readily available.	advice contained within the code is in a more readily accessible form for farmers. It proposes to make the code itself free of charge. On the other hand the Government does not believe that it would be right to follow the committees suggestion that all the material forming part of the code should be brought together in a single document. But the Committee's objective can be achieved in other ways.
ii. Adequate grant aid should be readily available to farmers who build new storage and waste treatment facilities to a standard construction. Grant aid should also be available for regular maintenance and for more categories of improvement work.	The Government is not convinced that it would be appropriate to extend the grant provisions so as to cover maintenance work on farm waste handling and storage facilities. The Government, however, is supporting research in this area. The Government recognises that in particular circumstances of the agricultural industry capital grants play a role in encouraging farmers to make adequate provision for waste management facilities. Grant is currently available to most farmers who invest in new waste storage or treatment facilities subject to only a limitation to £50,000 per business.
iii. As a matter of urgency MAFF and the DOE should consider how the Code of Good Agricultural Practice could be made enforceable by statute rather than being merely advisory and report back to Parliament. We would expect any revised Code of Practice to be free-of-charge and in one document. As a first immediate step, regulations on the location, construction and maintenance of storage facilities for silage and for hazardous farm wastes should be introduced under section 31 (4) of COPA.	The Government proposes that regulations should be so drafted as to cover the construction of new or extended sileage and slurry facilities as well as certain industrial storage facilities. The Government will also consider to what extent it is possible to draft the legislation in such a way to ensure that facilities are properly managed and maintained.

Water authorities would be able to prosecute for any breach.	
iv. Section 31 (2) (c) of COPA which provides farmers with a special defence if they pollute the water course should be repealed at an early opportunity. (para 78)	The Government agrees with the Committee's recommendation that Section 31(ii)(c) should be removed from the Act.
20. We are concerned that the 50mg/litre maximum admissable concentration specified in the EC Directive on the Quality of Drinking Water is based upon the science of more than a decade ago which suggested that nitrates in drinking water at moderately higher concentrations might cause stomach cancer. More recent studies suggest that this is not the case. In the light of these studies, we consider that the DoE should ask the EC to review the standard. (para 82)	The Government will keep the health aspect of nitrate in water under review. It is also commissioning research to provide further information on the subject and enable any precautionary action which might be considered necessary to be taken.
21. We doubt that the Code of Agricultural Practice on its own will achieve the necessary reduction in applications of nitrogen fertilisers. We recommend tha trial protection zones should be set up in selected sensitive catchments under section 31 (5) of COPA in which the use of nitrogen fertilisers is regulated or prohibited. (para 83)	The Government has been developing its strategy for limiting nitrate concentrations in drinking water in the light of a report in December 1986. It believes there is scope for modifying agricultural practices to limit nitrate inputs to the vulnerable aquifers, although reductions may take many years to effect nitrate concentrations. The Government is also studying more fully the various options for dealing with the problems of different geographic and economic situations. Once these studies are complete, discussions will be held with agricultural, water industry and fertiliser manufacturing industries, and the Government will then decide what further action is necessary.
22. We recommend that the water authorities and the DoE should examine the proposal to control land use immediately around vulnerable bore-holes in more detail. (para 84)	
23. It is crucial that any major	The Government accepts that in a

expansion of coniferous forest should be carefully controlled and restricted to areas where there is no risk of damage to rivers and upland water sources. (para 86)	period of rapid agricultural change it is essential to watch for changes in land use which may damage water sources. What is important is to ensure that good forestry practices are followed to minimise these risks. Effective control is exercised by the Forestry Commission, by means of consultation procedures undertaken before approval of planting grants.
24. In answer to our questions, MAFF officials announced that the government propose to introduce legislation to remove current exemptions for those farming fish for the table from abstraction licensing. This is most welcome and should be done at an early opportunity. (para 87)	Noted.
25. We welcome the proposal in the DoE's Green paper to introduce Regulations under section 31 (4) of COPA on the location, construction and maintenance of stores, to be used for hazardous substances either adjacent to water or likely to drain into the sewerage system. We recommend that these regulations should be introduced without delay. It will be crucial for these to apply to existing plant as well as newly constructed plant. (para 91)	The Government has been considering with the water industry the detailed scope and form of such regulations. However, the Government is not persuaded at this stage that it would be appropriate to extend the controls across the board to existing installations in view of the number involved. It favours a new power for the National Rivers Authority to serve enforcement notices on existing installations where pollution is deemed to exist.
26. We recommend that in conjunction with the new regulations to improve control of storage of hazardous substances, some form of financial aid should be available to industry towards improving both existing and new storage facilities. Such cash help to industrialists would be consistent with that which is already available to UK farmers. It could be in the	The Government believes that it would be wrong to extend financial assistance of this kind to industry for several reasons. First, there has been a longstanding acceptance of the 'polluter pays principle' under which costs are borne by those whose activities could give rise to pollution, rather than by taxpayers in general. Second many stores already meet appropriate standards and it would seem unfair to penalise those who have already

form of tax incentives, or straighforward grant aid. It should be paid only for work which conforms to a specific standard. (para 93)	taken these precautions at their own expense.
27. We conclude that provision by chemical companies to their customers of data on the hazardous effects of their products in the environment, as well as inspection of their customers' storage facilities, are worthwhile measures. We recommend that the DoE and the HSE, together with the Chemical Industries Association and the Confederation of British Industry should consider whether such schemes could be introduced here. (para 94)	The Government fully recognises that, both in emergencies and in the course of their normal pollution control operations, water authorities need access to as much relevant information as possible about chemicals and their potential environmental effects. The proposal for a pooled index system is an interesting one, but it should be recalled that a number of data bases and data banks holding information on the properties of chemicals, already exist and some can be accessed on a commercial basis. Government Departments concerned will keep the issue under close review in the light of technical and commercial developments.
28. We recommend that there should be a pooled index system, to which the water authorities should have access, with information on the properties of dangerous chemicals either in use in manufacturing or simply being stored. (para 95)	
29. We recommend that the DoE should consider giving a prohibition power, with appropriate safeguards or a right of appeal to the discharger, to the water authorities or an independent regulatory body to stop polluters from discharging effluent to water courses where imperative. (para 98)	There are unimplemented provisions in section 38 of the Control of Pollution Act but an alternative course would be to replace existing provisions by a simple power, exercisable only by the Secretary of State to direct early variation without compensation in limited circumstances, such as the protection of public health. The Government is considering responses to consultation on this point.
30. We recommend that the DoE should reconsider whether some form of incentive or distributive charge for industrial effluents discharged direct to the water course could be successfully introduced in the UK. (para 100)	This issue was considered by the House of Lords Select Committee on European Community and the Government subsequently commissioned a study published in 1985, of systems in operation in certain European countries. However, these have been in operation for only a relatively

	short period and tend to be complex and uncertain in their effects. The Government's view remains that at this stage it is inappropriate to introduce cost recovery charges for the administrative, survey and site specific monitoring costs falling on the NRA and HMIP. But the Government does not rule out the possibility of moving to more complex systems in due course in the light of experience.
31. We recommend that public registers should include details of consented discharges to sewers, as well as discharges made direct to the water course. (para 101)	The Government agrees that in future the registers should include details of any discharges to sewer which require public authorisation by the NRA or HMIP, either under European Community Legislation, the new control mechanisms or on other grounds. Appropriate provisions will be included in the forthcoming Water Bill.
32. We recommend that:	
i. dischargers should be given a new duty to notify all new pollutants in their effluent to the water authority, and water authorities should be free to revise the consent without financial penalty;	In the Government's view existing legislation already meets the committee's underlying concern.
ii. water authorities should exercise their powers under section 34 (4) (e) and (f) of COPA requiring dischargers to keep records of the quality and flow of their discharges, and the making of returns. (para 102)	The Government's view here is that this is a matter which should be left to the decision of the authority. Self reporting procedures can be helpful but their usefulness is limited by the unavoidable need for effective independent compliance monitoring by the Pollution Control Authority itself.
33. We conclude that more could be done than at present to monitor effects as well as pollutants - both through biological tests on effluents and by biological monitoring of rivers and estuaries. (para 110)	Biological and chemical monitoring are complementary rather than substitutes. But while biological monitoring has an important and growing role it cannot as readily offer generalised numerical approaches as chemical monitoring

34. We recommend that the DOE, together with the water authorities and the research institutions, should review the whole complex field of monitoring, its present adequacy and potential uses. (para 110)	and tends to be site specific. The Government recognises that there are differences in monitoring philosophies between different water authorities. The consistent operation and future development of monitoring will be a major concern of NRA. Meanwhile HMIP are undertaking an audit of water authorities' monitoring of sewage effluent discharges and are preparing a research programme designed to develop standardised monitoring procedures for different types of sewage discharge.
35. Agreement on a joint EQO/Fixed Limit approach for discharge of dangerous substances may be near, and we hope that this will be achieved in the near future. (para 113)	A general commitment was made by Ministers to work towards the simultaneous or complementary application of the two approaches and this was a major theme of the 1987 conference in London. The Government announced last November, proposals for a unified approach in respect of the substances considered to present the greatest hazard to the aquatic environment. The DoE and Welsh Office will shortly be publishing a consultation paper setting out detailed proposals for a new integrated approach.
36. We conclude that the universal application in estuaries of the mixing zone concept must be regarded as seriously flawed, with the result that it is not always possible to apply effective estuarine environmental quality standards. The Fixed Limit approach for continuous discharges from fixed plant into estuaries would therefore seem generally to offer more certainty for environmental protection in estuaries and has much to commend it. (para 115)	The Government finds some difficulty with this conclusion, which it believes reflects certain misunderstandings. It is moreover difficult to envisage on what basis fixed limits could rationally be set for all discharges of whatever description to estuarial waters. A fixed limit approach alone takes no account of a number of inputs or background level of a particular substance in the estuary, and offers no guarantee of a particular level or water quality of certainty of environmental protection.

Recommendation	Response
1. We recommend that, as in Scotland, there should be a rolling cut-off date whereby all buildings over 30 years old should be eligible for listing.	Earlier this year we announced our intention to introduce a rolling 30-year rule, starting in 1988. We shall shortly be announcing the results of a competition to identify the best 50 candidates for listing from the period 1939-1958.
2. We recommend that English Heritage should always, as a simple courtesy, notify owners when it is intended to inspect a property.	This is already done, wherever possible, and is reflected in the Department's Code of Conduct for field-workers employed on the national resurvey, which includes a requirement to contact owners. However, we are not prepared to make this mandatory in every case, because sometimes a notice of proposed inspection could lead to pre-emptive demolition.
3. We recommend that English Heritage should design a brochure for the owners of listed buildings telling them what listing means and what obligations it puts upon owners, what grants are available to owners and giving them a description of why their building has been listed.	(DoE) This is a matter for English Heritage. The Department itself already issues guidance leaflets to owners of newly listed buildings. We are, however, considering producing a more substantial information brochure on listed building and conservation area controls. This would be complementary to DoE Circular 8/87. (English Heritage) Decisions on listing and the notification to owners is the responsibility of DoE. It, in consultation with English Heritage, has already prepared an explanatory leaflet which will be sent to the owners of buildings which are newly listed. It is hoped that this will meet the requirement but English Heritage sees advantage in making a brochure available to owners/occupiers of existing listed buildings and in providing copies of the list descriptions and will pursue these possibilities.

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4. We recommend that there should continue to be no right of appeal against the listing of a building.	We are pleased to note the Committee's endorsement of present arrangements, the case for which was well aired during the passage of the Housing and Planning Act 1986.
5. We recommend that English Heritage should take over responsibility for listing from the Department of the Environment.	(DoE) We remain of the view that ultimate responsibility for the listing of buildings must rest with Ministers. It is true that we rarely go against English Heritage's professional advice, but there remains an element of subjective judgement which must be defensible before Parliament. This is a distinct part of the process and does not involve duplication of effort. (English Heritage) English Heritage supports this recommendation. It would save considerable duplication of effort between English Heritage and DoE. Since the creation of English Heritage in 1984, over 100,000 buildings have been listed and the Secretary of State has declined to follow our advice in only a few cases. The Secretary of State should continue to decide on informal appeals against listing.
6. We recommend that the Department should commission a study into how to computerise its lists, and to assess how, once put onto computer, these lists or analyses prepared from them could be made generally available.	Both the Department and English Heritage have had studies done. These are being discussed with the Royal Commission on the Historical Monuments of England with a view to devising a common system of computer-based records to which each organisation would have access for its particular purposes.
7. We recommend that all Government departments should conduct surveys similar to that undertaken by the Department of Health and Social Security of their historic buildings and ancient monuments.	We agree that identifying historic buildings is an important step towards conserving them. In fact this is the main purpose of listing. Over and above that, we accept that more detailed inventories of historic buildings in Crown ownership can be useful.

	Besides this list which DHSS has been compiling, the Home Office keeps a register of historic properties in its care; while the Property Services Agency (which is responsible for managing the central Government estate) already has a detailed illustrated record of all the historic buildings in its care, which is publicly available. The Agency has also established a system of quadrennial inspections for its historic buildings, which consists of in-depth professional inspections to identify the work required and to provide long-term strategies for their conservation. Considerable progress has been made, including detailed survey work in Museums and Galleries, Royal Palaces and some other major buildings in London. The Ministry of Defence has recently established a Historic Military Buildings committee, chaired by the Parliamentary Under-Secretary of State for the Armed Forces, Mr. Roger Freeman, and including the PSA Director General of Design, the Head of the Historic Buildings Division of English Heritage and distinguished outside architects, to advise on the upkeep, use and reuse of historic defence buildings.
8. We recommend the power to serve a Building Preservation Notice should be transferred to English Heritage.	Local planning authorities have detailed knowledge of their own areas and so are best placed to serve Building Preservation Notices. We are not at present persuaded that English Heritage have the capacity to operate as effectively or that it would be appropriate to extend to the rest of England the powers which English Heritage have inherited from the GLC.
9. We recommend that Building Repairs Notices should, in future, be served by English	English Heritage can already serve such notices in London. We can see possible advantage in enabling

Heritage, who should be given the necessary powers in default. In addition we recommend that owners should be given a right of appeal to the Courts if they dispute the repairs to be necessary.	them, as well as local planning authorities, to do so elsewhere and will explore the possibilities of making this change.
10. We feel it consistent that English Heritage be empowered to serve Repair Notices in respect of all listed buildings, even if they be in public ownership, and recommend accordingly.	The Secretary of State already has powers to serve Repairs Notices on local authorities, but we are not persuaded that it would be appropriate to give these powers to English Heritage. Central government buildings are, of course, subject to Crown immunity. Naturally we look to English Heritage to draw particular problems to the attention of the Department and the other authorities concerned.
11. We think there would be advantage in transferring from the Department of the Environment to English Heritage, the functions of the former with regard to Listed Building Consent appeals, but not call in powers nor the holding of public inquiries, and we so recommend.	We understand that this recommendation should have referred to "applications", not "appeals", and that the intention is that the arrangements under which local planning authorities have to notify the Department of listed building consent applications which they are minded to approve (paragraph 5 of Schedule 11 of the Town and Country Planning Act 1971) should be modified to give English Heritage the power to enable local planning authorities to approve cases with which they were content, without further involvement of the Department. Cases with which English Heritage was not content would be recommended for call-in by the Department. We can see that this proposal could offer the prospect of savings in terms of time and staff effort in non-controversial cases. We will be ready to consider the implications in more detail when a legislative opportunity is in prospect.
12. We recommend that resources be provided forthwith for a	We are discussing the scope, timescale and handling of the

speeding up of the scheduling enhancement programme, as envisaged by English Heritage.	programme with English Heritage in terms of resources and procedures.
13. We recommend that the responsibility for scheduling of monuments be transferred from the Department to English Heritage.	We consider that this statutory function is more appropriately exercised by Ministers answerable to Parliament than by a non-elected body. It is in fact incorrect to suggest that the Department never departs from the advice given by English Heritage. In one instance we did not accept a recommendation to schedule a structure and in several others recommendations have been queries on legal grounds or because of lack of clarity. We are however considering with English Heritage the scope for improving procedures, within the existing statutory framework.
14. We recommend that Salisbury Plain should be promptly and intensively resurveyed, and that English Heritage and the Army should co-operate to produce maps of the area and its monuments and to produce signs in a form which makes them useful to the drivers of military vehicles.	(DoE) Work on the resurvey of ancient monuments on the Plain, as recommended by the Committee, has already been put in hand following Ministers' acceptance of the 1984 Salisbury Plain Archaeological Working Party Report (the "Wilkinson Report"). Other measures such as clear sign-posting are also being carried out. In addition, MOD is taking protective action to preserve the most important monuments on the Plain. The Working Party's recommendations on the protection of ancient monuments are to be applied to the whole of the Defence Estate. (English Heritage) Salisbury Plain has already been resurveyed with English Heritage co-operation. The Ministry of Defence published the results in the summer of 1986. Scheduling of the principal monuments will begin very shortly. The army has agreed to a sign to distinguish scheduled monuments and for a positive management regime for their protection.

15. We recommend that the Secretary of State's power to determine applications for work on or near schedule monuments should in future be exercised by English Heritage, with a right of appeal for the applicant to the Secretary of State.	We agree that there is some duplication of functions between the Department and English Heritage in the present procedures for granting scheduled monument consent (SMC). We have streamlined some procedures and are developing closer liaison with English Heritage to minimise duplication. We are not convinced that the transfer of SMC work to English Heritage would be the best solution, particularly so long as the function of scheduling (see recommendation 13) remains with the Secretary of State. Moreover, the suggested introduction of a formal right of appeal to the Secretary of State against a decision by English Heritage would mean a substantial departure from present procedures and could create additional demands on Departmental resources.
16. We recommend that planning control in Conservation Areas should be extended to cover the external alteration or change in appearance of the facade of a building. We also recommend that the responsibility be placed upon the contractor as well as the property owner to ensure that the client has the necessary consents before work is carried out or be liable for making good any restoration which becomes necessary.	Conservation areas have a particularly important role to play in preserving the heritage. In addition to normal listed building controls, conservation area consent is required prior to demolition of any unlisted building in these areas. Development in conservation areas is controlled under the town and Country (National Parks and Areas of Outstanding Natural Beauty and Conservation Areas, etc.) Special Development Order 1985 and the Town and Country Planning General Development Order 1977 (as amended). Where special circumstances apply, the local planning authorities can make directions under Article 4 of the 1977 Order which have the effect of requiring planning applications to be made for development which would otherwise be permitted by virtue of that Order. Directions have to be confirmed by the Secretary of State if they are to be effective for more than six months.

We believe that householders in conservation areas should be allowed a reasonable degree of freedom to adapt their property as they wish without the need for prior approval. But we have been considering whether controls need to be strengthened over certain forms of development.

There was consultation in 1984 on a proposal that there should be extensions of control over stone cladding and certain forms of roof alterations in residential properties. On 5 January 1987, the Department published a consultation paper proposing that outside the areas to which the Special Development Order applied, development amounting to the provision of an additional storey by way of bulky alterations to lofts should require specific planning permission. We have also concluded that in Conservation Areas, National Parks, Areas of Outstanding Natural Beauty and the other areas to which the Special Development Order applies, the application of cladding and roof extensions should require specific planning permission. Cladding outside these areas would continue to enjoy permitted development rights under the General Development Order. These changes will be made when the General Development Order and the related Special Development Orders are consolidated shortly.

As far as the second part of the recommendation is concerned, under Section 55 of the 1971 Town and Country Planning Act it is an offence for anyone to carry out works which adversely affect a listed building without listed building consent; similarly the person carrying out the works can be prosecuted under section 57 of

	the Act if damage is caused to a listed building. A recent prosecution established that this was a matter of strict liability and a contractor was fined. By contrast, it is not an offence to carry out development without planning permission - an offence arises only if there is a failure to comply with an enforcement notice which requires the breach of control to be remedied. Thus it is the failure to put right the breach of control, not its commission, which constitutes the offence. There have been suggestions from time to time that a breach of planning control should in itself be a criminal offence. However successive Governments have taken the view that because in many cases it is difficult to determine if a breach has occurred, and therefore it is necessary to review the planning history of a particular piece of land, the existing procedure (which dates from 1960) is preferable - i.e. an enforcement notice alleging a breach of planning control which can be tested on appeal to the Secretary of State. It is objectionable in principle that people should be at risk of being prosecuted for something that on closer examination may not have required planning permission anyway. These objections apply just as much in conservation areas as elsewhere.
17. We recommend that the Secretary of State considers ways of providing better protection of group values in rural areas.	There is no statutory restriction on the designation of a rural area as a Conservation Area provided that it meets the specified criteria of being an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. In practice Conservation Areas vary widely in their characteristics.
18. We recommend that the Listing	We are pleased to note the

and Scheduling Systems should remain separate.	Committee's endorsement of the present arrangements.
19. We recommend that a study of how English Heritage should finance the projected increase in the numbers of scheduled monuments be put in hand forthwith.	(DoE) We share the Committee's concern that the financial implications of English Heritage's "Monument Protection Programme" should be properly assessed and analysed. As mentioned above (recommendation 12), we are discussing this matter with English Heritage. (English Heritage) The direct cost of the Monuments Protection Programme has been calculated and provided for. Some work has been done on the long-term costs of the enhanced schedule but extrapolation from current experience does not provide reliable results. There are considerble imponderables (for example, the pattern of agricultural land use in the future and the precise location and mix of monuments), which suggest that costings would best be build up at the MPP proceeds. Management considerations will feature in the descriptions of monuments which are scheduled and the computerised record will enable us to analyse the resource implications of scheduling. We aim to produce an interim assessment of the work and costs likely to arise from the MPP in due course.
20. We recommend that English Heritage should be much more flexible in its approach to the use of modern materials in repairs and in the value of what needs to be retained.	(English Heritage) The suggestion that English Heritage is too rigid in its approach to the value of what needs to be retained is refuted. As regards the use of modern materials and techniques, English Heritage already uses them and grant-aids their use by others in repair and maintenance. The instance of alloy substitute for cast-iron lanterns quoted in the Committee's Report is typical of work we would support. There may be scope for more

flexibility and we are considering with others specific instances where our requirements may have seemed unduly onerous. However, external appearance is not the only relevant fact, as seems to be implied in the Committee's Report. Cost-in-use, which includes durability, authenticity, the maintenance of traditional skills and supplies of traditional materials, are also important considerations. It should be borne in mind that historic building grants are not like other improvement grants. They are given because the community attaches value to the historic and architectural qualities of the building concerned, the integrity of which it is desired to maintain by "conservative" repairs.

21. We recommend that the "outstanding" criterion for receiving grant should be dropped or severely qualified and that all Grade I buidings should automatically be regarded as eligible for grant from English Heritage.

(DoE)
The administration of grants to historic buildings is the responsibility of English Heritage. Subject to normal safeguards to ensure proper use of public funds, it is for English Heritage to decide on the conditions to be attached to grant and to identify which buildings are eligible for assistance. Whilst many Grade I listed buildings are considered to be "outstanding" for grant purposes, legislation to ensure an automatic entitlement would remove English Heritage's discretion to order their own priorities. Since there is no statutory definition of what makes a building "outstanding", English Heritage could if they wished introduce a working arrangement whereby all Grade I listed buildings qualified for grant.

On the question of flexibility in the use of modern materials, whilst not wishing to dictate to English Heritage on professional matters we do have some sympathy with the

Committee's comments in paragraph 90. The integrity of a restoration does not necessarily depend on the use of original materials or techniques, and indeed the survival of many historic buildings to the present day is often the result of technological advances over the years, without which they would have disappeared long ago.

(English Heritage)
The legislation requires that historic building repair grants (Section 3A) be confined to "outstanding" buildings. In principle it would be possible to define all Grade I or Grade II* buildings as outstanding. However, this would pose certain practical problems. It would result in either a narrow or rather broad field of eligible buildings (there are some 6,000 Grade I buildings and some 20,000 Grade II* buildings). The money available for Section 3A grants would not suffice to cover all Grade II* buildings and English Heritage would not wish to limit grants to Grade I buildings, which would be considerable restriction of the present system. Moreover, reliance on list gradings as the criterion of "outstanding" would ignore the fact that the gradings, particularly those dating from the 1970s, were not sufficiently rigorous and that the detailed inspection which we carry out in administering these grants reveals, for example, a certain number of Grade II buildings which are outstanding and the occasional Grade I building which is not. If more money and staff resources were available, and as the grading of listed buildings is refined, we would be ready to consider equating "outstanding" with Grade I or Grade II* status.

22. We recommend that the resources

English Heritage's resources

available to English Heritage should be increased by more than enough to keep them constant in real terms. English Heritage, for its part, should have greater regard to increasing revenue generated by visits to historic buildings and ancient monuments, and be more flexible in the conditions it imposes on restoration work.	consist of the Exchequer grant-in-aid, together with receipts (mainly from visitors) which are reinvested in their various programmes. Existing and planned provision is more than keeping pace with inflation: after allowing for additional functions given to English Heritage, the resources for 1988/89 are 1 per cent up on 1984/85 in real terms, and by 1990/91 will be over 3 per cent up. Much credit is due to English Heritage for raising receipts substantially, from just under £3 million in their first year to a forecast £6.9 million in the current year. (On the question of flexibility of conditions, see the immediately preceding comments.)
23. We recommend that English Heritage should publish, annually, a booklet describing buildings which, because their owners have received grant towards their maintenance, are thereby statutorily open to public inspection and detailing when and how.	(DoE) We think this is a good idea and hope that English Heritage will adopt it, in association with the National Tourist Boards. (English Heritage) English Heritage is actively considering the publication of such a guide, providing both a record of grants given and the arrangments for public access.
24. We believe that the general cost of providing grants to maintaining historic buildings in a conservation area should be borne by local authorities, not English Heritage, with the exception of Grade I buildings, and we so recommend. However, such a responsibility would be dependent upon adequate resources being made available to local authorities to enable them to carry it out.	Although local authorities have the power to grant aid historic buildings under the Local Authorities (Historic Buildings) Act 1962, the extent to which they use it varies enormously. English Heritage play an important co-ordinating role in the provision of grants to buildings in Conservation Areas. They ensure that standards are consistent across the country and between buildings both inside and outside conservation areas. The availability of grant aid from English Heritage can also have beneficial effect in levering out resources from public authorities

	for the conservation of their own buildings. We are therefore generally satisfied with the present arrangements.
25. We recommend that the English Tourist Board should be encouraged, and financed, to make more liberal use of their existing powers for the conservation of our historic buildings and ancient monuments.	We share the Committee's general premise that the built heritage has considerable economic potential. We welcome the Report's emphasis on the importance of encouraging revenue generating projects. However there is, and should be, a distinction between the roles of English Heritage and the English Tourist Board in promoting heritage development. The scheme of selective financial assistance which the English Tourist Board operates under Section 4 of the Development of Tourism Act 1969 is intended to aid capital investment in new or improved tourist amenities and facilities. By this means the ETB has been able to provide assistance to projects such as visitor centres or leisure amenities at historic buildings or attractions. It would not be appropriate for the ETB to contribute directly towards the costs of conservation or renovation of historic buildings and ancient monuments except where this is incidental to a project intended primarily to provide a better service to visitors. For ETB to contribute to the cost of conservation or renovation more widely would lead to a blurring of responsibilities between the ETB and English Heritage. We believe the work of the two organisations should be complementary. We have encouraged both bodies to co-operate closely in following up the Committee's suggestions about exploiting the revenue earning potential of historic buildings and monuments.
26. We recommend that the Government prepare a full report on the history of the	Whilst we appreciate that feelings continue to run high on this issue, even eight years on, we doubt

National Land Fund and publish it as part of their reply to our present report.	whether a purely historical review of the National Land Fund would be of any practical benefit to the development of future policy towards the heritage. Ample opportunities were provided for debate by the deliberations of the Environment Sub Committee during the 1970s and by the passage through Parliament of the National Heritage Act 1980.
27. We recommend that in future cathedrals should be eligible for assistance from the NHMF in cases of exceptional need.	The National Heritage Memorial Fund is already empowered under the National Heritage Act 1980 to give assistance to cathedrals, although the Fund's Trustees take the view that the universal popularity of cathedrals and the relative success of their public fund raising activities mean that they do not normally satisfy the NHMF's "bank of last resort" criterion. They have therefore decided that as a matter of policy they should not normally grant aid cathedrals, although they will continue to consider individual applications on their merits. The Committee will have noted our recent announcement of additional funding of £20 million for the Fund in the current financial year.
28. We recommend that money spent upon the maintenance of a listed building should be treated as a tax allowance against all income of the owner.	Couched in such broad terms, this recommendation would amount to an indiscriminate subsidy to all owners of buildings which happen to be listed. The costs of maintaining listed buildings vary widely according to their age and characteristics. In the private housing market, it is by no means certain that the fact that a house is listed will tend to depress its value - the reverse may be true. Most purchasers are well aware of the commitment they enter into. In these circumstances the Government is not at present persuaded that a general tax concession is warranted.

29. We recommend that owners of listed buildings should be able to recoup 15 per cent of all repairs and maintenance bills, either through the tax system under our recommendation in paragraph 108 or where there is no income sufficient to sustain the tax allowance, by means of grants from the Exchequer. We recommend that appropriate provision should be made as soon as economic conditions allow.	This recommendation is open to the same objection as the previous one. Under existing arrangements grants are available for buildings of outstanding quality. We see no case, however, for indiscriminate subsidising of all owners of listed buildings.
30. We believe that the major importance of cathedral buildings, and the need to ensure their conservation, justifies their eligibility for grant from public funds from now on, and we so recommend.	There is no statutory bar on English Heritage giving grants to cathedrals, should they decide to do so. It is a question of priorities, which is for English Heritage to decide.
31. We recommend that: a. all cathedrals should introduce a recommended, but no compulsory admission charge of at least £1 per head with children, students, and old age pensioners at half price, with regular reviews; b. all the revenue so produced should be used to finance programmes of regular repair and maintenance, before any call could be made upon public funds; c. the revenue surplus to the requirements of the cathedral which raised it should be paid into a common fund from which the cathedrals incurring deficits may draw. However, we stress that we see no reason why, despite our recommendations, cathedrals should not be able to continue to provide	Essentially these are matters for the Church of England, the cathedral authorities and English Heritage to pursue and reach agreement on. But we recognise the economic arguments in favour of admission charges, particularly if they could be used to improve visitor facilities as well as defraying maintenance costs.

free access for worshippers.	
32. We recommend that the amenity societies should either receive grants commensurate with the assistance they are required to give Government or alternatively be paid an appropriate fee for each planning application referred to them, in order to enable them to employ the necessary full time staff to do this work.	We have been reviewing the level and basis of funding of the five societies, as part of the cycle of reviews of grants paid under the Department's special grants programme, and have taken the Committee's comments into account. We hope to announce our conclusions shortly.
33. We recommend that the Secretary of State should initiate consultations with local authorities with a view to establishing further AAIs.	To date only five areas of Archaeological Importance (AAIs) have been designated (under the Ancient Monuments and Archaeological Areas Act 1979). We see these as pilot projects and are monitoring carefully with English Heritage the effectiveness of this means of protection. There has been some discussion with Winchester over the possible designation of an AAI in the City, but our view is that further areas should not be designated until there has been a review of the effectiveness of the procedure. This is in hand. Moreover, since designation can result in restrictions on development we need to be very clear that the long term benefits of designation outweigh the burdens it imposes on developers.
34. We recommend that consideration should be given to extending the statutory cover for burial grounds to all developments, especially those in conservation areas.	We recognise the importance of allowing the opportunity for proper archaeological investigation in advance of development, and encourage developers to contribute towards the cost of such work. Many developers do in fact make time and money available for archaeological work and the code of practice prepared by the British Archaeologists and Developers Liaison Group has been in existence since April 1986. The Disused

	Burial Ground (Amendment) Act 1981 relates specifically to the movement of human remains and gravestones. Archaeological requirements were not considered when the Act was framed, and it simply provides a waiver in certain circumstances to the prohibition contained in Section 3 of the Disused Burial Grounds Act 1884 on the erection of secular buildings on disused burial grounds. For this reason we consider that it would be an inappropriate vehicle for achieving the aim of the Committee's recommendation. Local planning authorities can impose conditions on planning permissions on land considered to be of archaeological interest to ensure that access is given to archaeologists (paragraph 60 and 61 of Annex to DOE Circular 1/85). Similarly, a requirement to allow access for archaeologists often forms a condition of scheduled monument consent. However, to insist on payment for archaeological work would be an unreasonble burden on developers.
35. We recommend that Government Dearrtments should, as a matter of course, fund archaeological work when making developments in areas of archaeological interest and in conservation areas.	We aim to set an example to the private sector through the management of the Government's estate. The Government's funding for archaeological investigation is channelled through English Heritage's grant-in-aid, since they are best placed to judge priorities.
36. We recommend that English Heritage should be given funds to enable it to grant aid archaeology.	English Heritage already gives grant support for archaeology, and devotes a substantial proportion of its budget to it. It is for English Heritage to determine, in consultation with the Department, the balance between archaeology and other heritage programmes.
37. We recommend that Government should make more funds available to the National Trust	We agree with the Committee's observation that the arrangements under which English Heritage funds

for the maintenance of deficit properties.	six unendowed properties operated by the National Trust are in need of review. The Department is considering the issue with English Heritage, who are now responsible for these grants.
38. We recommend that the Department of the Environment should allocate English Heritage additional funds to enable it to grant aid historic gardens.	Here, too, it is for English Heritage to take a view on priorities. We welcome their decision to set aside funds for relief of recent storm damage to historic houses and gardens.
39. We recommend that English Heritage should continue to give its inspectors responsibility for particular areas, and should continue to operate from London.	This is a matter for English Heritage, taking into account the costs of operating from London or elsewhere.
40. We recommend that English Heritage should assume full responsibility for the maintenance and general care of the non-occupied royal palaces.	This idea was studied in detail during the drafting and passage of the National Heritage Act 1983. We remain of the view that, for constitutional reasons as well as for reasons of security, the Secretary of State should be directly accountable for the royal palaces, whether occupied or not. There is, however, scope for improving the management arrangements at the non-occupied Royal Palaces. A start has been made at Hampton Court Palace by the appointment of a senior administrator to take overall charge of the management of the Palace. A five year plan for the future development of the Palace is being prepared. Improvements to the management machinery at the Tower of London and at the parts of Kensington Palace open to the public are also in hand.
41. We recommend that English Heritage and the Cathedrals Advisory Commission conduct a survey of historic buildings to ascertain the extent of and cost of making good acid rain damage and advise the	(DoE) The Building Research Establishment (BRE) is carrying out an extensive programme of atmospheric monitoring as part of the Department's research programme into investigating the effects of air

Department of the Environment accordingly.	pollution on buildings and materials. A national materials exposure network came into operation in May this year, jointly operated by BRE, the Central Electricity Generating Board and British Coal. It is co-ordinated by BRE and is looking at the effects of air pollution and weathering on a range of building materials at 37 sites throughout the United Kingdom. These initiatives are not restricted to studying the condition of historic buildings, but sample sites involved include Lincoln and Wells Cathedrals and Bolsover Castle. The result of these studies will be available for 1988 onwards. The Department and BRE have all the expertise and resources necessary for these surveys and we would see little benefit resulting from a separate study along the lines suggested. Our views on this are confirmed by the fact that the Cathedrals Advisory Commission declined to participate in the present exercise on the grounds that they did not possess the necessary expertise or resources. (English Heritage) English Heritage does not support this recommendation. A great deal of work is already in hand on this issue, in particular by the UK Buildings Effects Review Group (BERG), on which both English Heritage and the Cathedrals Advisory Commission are represented. Both organisations are co-operating with the Building Research Establishment and have jointly organised key monitoring sites at Bolsover Castle, Wells and Lincoln Cathedrals and at York. The BERG Report will be published within the next two or three months and further work will undoubtedly arise from its publication relting to inventories and building stock at risk.

The kind of survey proposed by the Committee is not thought to be particularly helpful for the following reasons:

a. establishing criteria for assessing the damage directly attributable to "acid rain" is notoriously difficult. In most cases there are other contributory causes for deterioration which even specialists would have problems in isolating.

b. the scale of the proposed survey would be phenomenal if it were to produce real information rather than general impressions. Repair and maintenance cost records should not be used to indicate the scale of damages and losses due to "acid rain" as they can be totally misleading. The "finger-printing" of key sites in different locations, as is being carried out by BRE for BERG, is the most accurate guide to likely damage, but it is only a guide;

c. duplicated effort is costly and confusing.

We think that the most valuable contribution which can be made by English Heritage and the Cathedrals Advisory Commission is to support the survey and monitoring work of the Building Effects Review Group. There can be no quicker, more accurate or more economic way of providing the kind of advice to DOE as recommended.

42. We recommend that the Secretary of State consider the possibility of merging the Royal Commission on Historical Monuments and English Heritage into a single body.

The relationship between the Royal Commission onthe Historical Monuments of England and English Heritage was considered in some detail during the drafting and passage of the National Heritage

Act 1983. It was held then that the two bodies would have widely different functions and responsiblities and should therefore be kept separate. We have recently commissioned management consultants, jointly with the Scottish and Welsh Offices, to review the role of the Royal Commission and its Scottish and Welsh counterparts, and have asked the consultants to consider the relationship between RCHM(E) and English Heritage in the context of their review. But we have no present plans for seeking to change the present arrangements.

Recommendation	Response
The time is ripe for the Department in conjunction with the local authorities concerned, to carry out a modest review of the effectiveness of policy in this area. We recommend this should be done and we look forward to hearing the results of any review carried out.	(Written Parliamentary Reply to a question in the House by the Chairman of the Environment Committee, dated 6th February 1987) "The review has now been completed. A consultation process has been carried out and I have been assisted in analysing the responses by Prof. Gerald Wibberley CBE, to whom I am most grateful, and whose report will be published. The Government has decided that there should be no amendment of the legislation at this stage, although we will continue to keep the position under review. We have noted the wide acceptance that the duty on local authorities to provide caravan sites for gypsies should continue. No practical alternative solution to the problem has been proposed, although there is some scope for private sector provision, which will be encouraged. In all cases it is essential to do everything possible to allay local anxieties. Well-run gypsy sites, once established, seldom give cause for serious complaints.
The comments and suggestions in the review by Professor Gerald Wibberley	
1. The general nature of the responses received is critical, not of the gypsy site legislation or of policy on accommodation for gypsy caravans, but of the way in which this policy is being carried out and the many delays within the existing pattern of execution.	
2. The definition of a gypsy for the purposes of Section 16 of the 1968 Caravan Sites Act should be made a little more specific. The wording suggested is ... 'nomadic families, who by reason of their lifestyle, habitually travel to pick up casual and seasonal work or to sell the products of their self-employment and whose only or main residence is a caravan or tent for which they have no authorised site'.	
3. There is widespread concern at the continuance of hostility of residents to the possible establishment of a gypsy site in their locality. No real evidence has been cited to show that this hostility lessens when the site has been	"The total number of local authority sites had reached 336 at the beginning of 1986, affording a total of some 3850 pitches. Further local authority sites have recently opened or are expected to open. In addition to these, the available information suggests that privately-owned sites are capable of accommodating 2000 or more gypsy caravans. This shows that much progress in site provision has already been made, nationally. But there remain perhaps as many as 3000 gypsy families for whom authorised sites are not available; so more sites are still needed. A

established. A wide range of measures to improve local situations are spelt out in paragraphs 7.7 and 7.8.

4. Most respondents believe that the number of 'gypsies' without authorised sites for their caravans is somewhat larger than the existing statistics suggest. Better and more frequent counts on the numbers and distribution of eligible families are needed.

5. Designation will obviously continue but it can only be justified both as a concept and in practice if it operates fairly and efficiently. Many fears have been expressed that it has not done so. Some suggestions are made as to how both equity and efficiency can be improved. These involve reviews of areas now 'designated', the withdrawal of 'designation' orders in bad cases and stronger pressure on recalcitrant public authorities.

6. With the numbers of bona fide gypsy-type travellers likely to go on rising, albeit at a slow pace, there must be a speeding up of the process of providing authorised local authority sites and a concerted attempt to increase the range and number of authorised private sites. The last will involve improvements in the arrangements for planning clearance and site licence agreement.

7. There is a need for some provision of transit sites, primarily for long distance travellers. These could be experimental in the first instance and be provided by

total of £5m has been reserved in the current financial year to provide grants to authorities developing sites.

"There has been criticism of the controls available in designated areas. The Government sees the powers stemming from designation as an essential adjunct to the duty to provide sites but recognises their serious consequences for gypsies. It is important that the criteria for designation should be strictly applied. In particular, I require convincing reasons for designation where an authority has made less than adequate provision. The machinery for considering applications for designation is being updated to ensure that representations are fully taken into account.

"Authorities with early aspirations to designation are also asked to recognise the desirability of keeping more frequent records of gypsy numbers and movements than the national returns can provide.

"Proper identification of the number of gypsies who reside in or resort to an area is vital. I am arranging for the Gypsy Sites Policy Branch in the Department to be strengthened. An early priority will be to examine how information on gypsy numbers could be improved to provide better targets for site provision and better measures of progress in meeting them. The Department will continue to help undesignated authorities to clarify the number of sites needed and within what timescale.

"Interpretation of the statutory definition of gypsies is also crucial. The local authorities have generally been able to decide who meets the statutory definition but there is increasing concern

Government and/or by gypsy groups.

8. Quicker and more generous financial arrangements between central and local government are needed, especially in relation to capital grants for site purchase, layout and equipment.

9. With care and sensitivity being displayed towards gypsies about the question of changing to non-nomadic existence, there are signs that a few gypsy families will opt for their own houses in places where local housing authorities are helpful.

10. The siting, layout, equipment and management of permanent sites for gypsy caravans seem to be matters of debate. Some of the factors which appear to lead to success are spelt out. There seems to be a case for encouraging gypsy groups to act as their own site operators and the suggestion made by Sir John Cripps in 1976 of a national Gypsy Council should now be followed up.

that it may extend to members of other groups. Each case has to be looked at separately on its merits. In order to qualify it must be shown that there is a nomadic habit of life, that a pattern of residing in or resorting to a particular area has been established, and that the requirement is for a pitch for a caravan. A sensible approach would be to look for evidence of regular and repeated patterns of gypsy movements, bearing in mind also their characteristic types of occupation and their need to travel to carry on their work. We shall examine the scope for further clarification of this issue in advice to local authorities.

"The scope for improvements in the grant regime is limited since it already meets 100% of the cost of site provision. It has been suggested that grant should be freed from capital expenditure control but the Government cannot agree to this since it weakens control over spending priorities. I accept however, that the Department's cost guidelines should be published and I will arrange fo this to be done. They will continue to be revised annually.

"It has proved difficult to find satisfactory solutions to the problem of long-distance and regional travellers. Progress continues to depend on the willingness of local authorities to find suitable locations for stopping places which can be designed to simpler standards than the settled sites needed by more locally based gypsies.

"There are possibilities for accommodating gypsies in conventional housing. Information from a departmental study of the opportunities for housing suggests that, allowing for the numbers who

return to a travelling life-style, there are some gypsies (perhaps 75 families a year) who adapt successfully to conventional housing. The Government believes that conventional housing, on a selective and voluntary basis, can contribute usefully to meeting the needs of gypsy families and I am arranging for the departmental research to be published as a guide to local authorities.

"Private sites for gypsies already make a substantial contribution probably more than 2000 caravans are on private sites at present. The need for gypsy sites will continue to be material consideration when local authorities or the Secretary of State are considering planning applications or appeals. I urge gypsies to recognise the importance of getting planning permission before purchasing land and to co-operate with district councils to identify sites which might be suitable. In turn I hope that district councils will recognise, as some have already done, that their development control policies need to take account of the serious need for gypsy sites. It is not intended to widen the Exchequer Grant scheme to include private sites, but there are already experiments on sale or leasing of Exchequer Grant-aided sites to private ownership or management. Such initiatives will be encouraged.

"Much progress has been made. But the main task remains the provision of properly serviced sites as quickly as possible. The Government believes that this is the most important contribution than can be made to resolving the difficulties that can arise between gypsies and other sections of the population."

Appendix Two

Standing Orders of the House of Commons 1979-83
(as numbered and printed in revised edition March 1983 (HC 307 Session 1982/3)

99: Select Committees Related to Government Departments

1. Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments set out in paragraph (2) of this order and associated public bodies, and similar matters within the responsibilities of the Secretary of State for Northern Ireland.

2. The committees appointed under paragraph (1) of this order, the principal departments of government with which they are concerned, the maximum numbers of each committee and the quorum in each case shall be as follows:-

Name of Committee	Principal Government Departments Concerned	Maximum Numbers of Members	Quorum
1. Agriculture	Ministry of Agriculture, Fisheries and Food	9	3
2. Defence	Ministry of Defence	11	3
3. Education, Science and Arts	Department of Education and Science	9	3
4. Employment	Department of Employment	9	3
5. Energy	Department of Energy	11	3
6. Environment	Department of the Environment	11	3
7. Foreign Affairs	Foreign and Commonwealth Office	11	3
8. Home Affairs	Home Office	11	3
9. Industry and Trade	Department of Industry, Department of Trade	11	3
10. Scottish Affairs	Scottish Office	13	5
11. Social Services	Department of Health and Social Security	9	3
12. Transport	Department of Transport	11	3
13. Treasury and Civil Service	Treasury, Management and Personnel Treasury, Management and Personnel Office, Board of Inland Revenue, Board of Customs and Excise.	11	3
14. Welsh Affairs	Welsh Office	11	3

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3. The Foreign Affairs Committee, the Home Affairs Committee and the Treasury and Civil Service Committee shall each have the power to appoint one sub-committee.

4. There may be a sub-committee, drawn from the membership of two or more of the Energy, Environment, Industry and Trade, Scottish Affairs, Transport, and Treasury and Civil Service Committees, set up from time to time to consider any matter affecting two or more nationalised industries.

5. Select Committees appointed under this order shall have power:-

   a. to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;

   b. to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference; and

   c. to report from time to time the minutes of evidence taken before sub-committees;

   and the sub-committees appointed under this order shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House and to adjourn from place to place, and shall have a quorum of three.

6. Unless the House otherwise orders, all Members nominated to a committee appointed under this order shall continue to be members of that committee for the remainder of the Parliament.

101. Liaison Committee

1. A Select Commitee shall be appointed, to be called the Liaison Committee:-

   a. to consider general matters relating to the work of select committees, and

   b. to give such advice relating to the work of select committees as may be sought by the House of Commons Commission.

2. The committee shall report its recommendations as to the allocation of time for consideration by the House of the estimates on any day allotted for that purpose; and upon a motion being made that the House do agree with any such report the question shall be put forthwith and, if that question is agreed to, the recommendations shall have effect as if they were orders of the House.

   Proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business.

3. The committee shall have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, and to report from time to time.

4. Unless the House otherwise orders, each Member nomination to the committee shall continue to be a member of it for the remainder of the Parliament.

5. The quorum of the committee shall be six.